

ATTORNEY GENERAL'S
COMMISSION ON RACIAL, ETHNIC, RELIGIOUS AND MINORITY VIOLENCE
PUBLIC HEARING ON HATE CRIMES
October 6, 1989
OAKLAND CITY COUNCIL CHAMBERS
ONE CITY HALL PLAZA

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Reported by: Linda Kentzell



ABA REPORTERS

A Division of

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350 Sansome Street, Suite 10
San Francisco, California 94104

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1 OCTOBER 6, 1989

9:00 a.m.

2 PROCEEDINGS

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4 MARTY MERCADO: We are going to open up
5 this morning with a short meeting. We are going to
6 update the Commissioners on what has happened as far
7 as some of the activities of the office, with respect
8 to the Racial Commission activities.

9 MONSIGNOR WILLIAM BARRY: And those who
10 are present with us today are, right over here we
11 have Vincent Harvier, and here we have David Kassooy,
12 and next to him is Judge Alice Lytle, and over here
13 we have Irma Castro. And next to her is Hazel
14 Hawkins-Russell, and our staff chief person is Marty
15 Mercado. And I am the Chairperson in charge.

16 What we will be looking for first is an
17 update on what has happened since our last meeting,
18 since our last report, and Marty do you want to
19 begin?

20 MS. MERCADO: I will talk as loud as I can
21 and hopefully you can hear. We have had one of those
22 fun mornings when everything that could go wrong is
23 going wrong, including trying to get the doors to the
24 chambers open. In any event, I'm Marty Mercado, and
25 I'm coordinator for the activities of the Attorney

1 General's Commission on Racial, Ethnic, Religious,
2 and Minority Violence.

3 We wanted to start with a little update on
4 activities that we've been engaged in since we last
5 met. The Commission, as you know, held a public
6 hearing, the first of two public hearings, in Los
7 Angeles on June 30th. The transcripts of that
8 hearing are about 185 pages long. We have contracted
9 with Human Rights Associates, who will be the
10 consultants to prepare the draft report for the
11 Commissioners to present to the Attorney General.

12 We will assist in drafting recommendations
13 that you feel are appropriate from what comes out of
14 the two public hearings. The time line is such that
15 we will leave the record for the hearing open until
16 October 31st. We have sent letters out to those
17 individuals and organizations who were unable to
18 appear before you to testify, to submit written
19 testimony. Other groups that we were unable to
20 contact to be here, we've also invited them to submit
21 written testimony from areas such as Salinas and
22 Fresno, and other areas where we can't go.

23 You will recall at the June 30th hearing
24 that there were at least two requests for the
25 Commission to hold hearings, one in San Diego and one

1 in Fresno, because of concerns of what is happening
2 in those areas. Unfortunately, again because of the
3 time frame, this must be the last hearing and
4 hopefully we will be able to get written testimony by
5 organizations from those areas that we can include in
6 the record. The record will remain open until
7 October 31st.

8 Most importantly, as you know, we have
9 been monitoring legislation that came out of
10 recommendations made both by this Commission, this
11 Racial Commission, as well as the Attorney General's
12 Committee, Asian-Pacific Islanders Advisory
13 Committee, the most notable of which is SB-202, which
14 calls for mandated reporting by local law enforcement
15 agencies on hate crimes.

16 I'm delighted to report that the bill was
17 signed by the Governor on September 30th, and that
18 bill will now become law. However, there is no money
19 in the bill. There is also a clause in the bill that
20 says if there is no money that locals are not
21 required to do this.

22 As you know, we will be hearing today from
23 a couple of law enforcement agencies who are already
24 collecting hate crimes data. We know of at least
25 eight agencies that are doing that, some in

1 anticipation of the legislation passing, mostly
2 because of incidents that have occurred in their
3 communities and the necessity for them to be aware of
4 what is happening, and determine that it was to their
5 benefit to start collecting that sort of information.

6 The other thing that is -- should be of
7 interest to you is that with the, together with the
8 civil rights enforcement section and the Attorney
9 General's office, the District Attorney's
10 Association, we have Contra Costa County District
11 Attorney's Office, we have prepared -- been working
12 on training materials for prosecutors on use of the
13 Bane Civil Rights Act. As you recall, that was a
14 result of recommendations by this Commission to the
15 Attorney General for legislation that would add
16 penalties to crimes whose motivation is based on
17 bigotry and so forth.

18 That bill became effective January 1,
19 1988, but prosecutors have not had experience in
20 dealing with that. We have put together some
21 guidelines and resource memos for them and packets.
22 We put on one training workshop for them at the
23 California District Attorney's Association Conference
24 last February. We are planning others.

25 Jack Waddell, who is from the Contra Costa

1 District Attorney's Office, has been the liaison with
2 the DAs and working very closely with us to develop
3 the materials. He will be testifying before you this
4 morning. I'm sure he will update you on those
5 activities.

6 We have asked district attorneys
7 throughout the state to identify a liaison person in
8 their office that we could contact about hate crimes
9 and perhaps refer also, and so forth. We have
10 identified about 43 now throughout the state, so we
11 are very pleased that we are getting that kind of a
12 response.

13 We hope to put on a training workshop for
14 them on the use of the act of providing the resources
15 that we have, the guidelines and so forth. And the
16 reason we have not done so up until now is just a
17 lack of time and resources, but that is one of our
18 high priorities.

19 I guess that really is where we are now.
20 Most of you we have been in contact with, we've tried
21 to keep you abreast of legislation. The other two
22 major pieces of legislation that we were very
23 interested in, SB-1357 and 1358, passed by Senator
24 Torres that called for cultural relations training in
25 school curriculum. As you know, the Governor has

1 vetoed those two bills, so we're back to the drawing
2 board on that legislation.

3 That really is kind of where we are and
4 what we're up to. Again, the time line for this
5 hearing will be that the record is staying open until
6 October 31st. The consultants will start to prepare
7 some draft recommendations for your consideration,
8 start drafting a report, and we hope to get the
9 report out by January.

10 MONSIGNOR BARRY: To go back a little bit
11 in history, after the initial report I think Human
12 Relations Center Commission is also legislation --
13 first it was passed and vetoed again by the Governor.

14 MS. MERCADO: Yes, that was another major
15 recommendation. As you know, it was the creation of
16 Human Relations Centers and Assemblywoman Gwen Moore
17 (phonetic) carried that legislation, and that would
18 have implemented your recommendation that these
19 centers, and I believe the legislation called for
20 establishment of four centers as a trial on a pilot
21 program. However, during the course of the
22 legislative session as the bill progressed, it was
23 gutted. So amendments were made so it was no longer
24 relevant to the recommendation that was made by this
25 Commission. And so the bill, in any event, was

1 vetoed. But the two major pieces that we were very
2 hopeful in following were the school curriculum
3 legislation and the data collection bill. And the
4 data collection bill, as you know, this is the third
5 year and we finally were successful. So we hope we
6 will have the funding for that as well.

7 MONSIGNOR BARRY: As David Kassoy observed
8 walking up today, that some of the work, like
9 legislation, just takes time and patience to get it
10 through. Is there any other input or suggestions?

11 MS. IRMA CASTRO: I would like to go back
12 to an item that I raised in an earlier meeting in
13 June, and that was in regard to violent crimes
14 perpetrated against Latinos on which there appeared
15 to be a racial bias.

16 MS. MERCADO: Before you go on, let me
17 step in for a moment. Lola Acosta, staff person now
18 is here with the agendas and press packets. Maybe
19 you could pass them out, thank you.

20 HON. ALICE LYTTLE: I think the mikes are
21 working also now.

22 MS. CASTRO: As we know, we continue to
23 see newspaper clippings and hear reports of violence
24 against Latinos, and both in an urban setting and in
25 a rural setting. Some of it is very definitely

1 perpetrated against migrant workers. And I raised
2 this issue with the Commission last meeting and since
3 that time my office has been trying to put together
4 just some general information.

5 We don't think it's restricted to San
6 Diego County. It's obvious that it is in other parts
7 of the state as well, but there has not been any
8 collective effort to collect that information to do
9 analysis as to whether that is occurring in
10 California.

11 Our organization has prepared a packet
12 that we would like to submit for the record, which
13 includes a number of, some information having to do
14 with violent crimes against Latinos that has
15 occurred, at least with the clippings we have, and
16 this is a limited exploratory piece, from 1982 to the
17 present. Currently in my office this week, we are
18 conducting a series of investigations into the
19 beatings of migrant workers by youth between the ages
20 of 14 to 20.

21 They already have identified vehicles with
22 license plates. They have started to identify the
23 young people involved and all the complaints are
24 being filed and will be filed, at the latest by
25 Monday, with sheriff's departments. This has been an

1 occurrence only in the last two weeks.

2 As you know, there's also been the recent
3 conviction of two young white males for having killed
4 two migrant workers just because they wanted to kill
5 some Mexicans and all of these kinds of things are,
6 some of this will be documented.

7 In addition there is a climate that exists
8 that I think we all need to be very aware of.
9 Somehow through the media and through the public
10 institutions, it is deemed to be all right to have
11 certain kinds of prejudices against Latinos. It is
12 not taken seriously when we talk about civil rights
13 or human rights issues. We tend to be looked as a
14 population that it is all right to injure.

15 This particularly becomes true in many
16 parts of our state as we look at studies that are
17 done, whether it be local residents, organizations,
18 or associations saying what are we going to do about
19 migrant camps, or about the people hanging out on the
20 corners.

21 It is evident, and there are documents in
22 here that look at one particular survey in one
23 particular part of the county, or the person who says
24 -- and again, I have a letter documentation on
25 this -- about I went to the grocery store and people

1 are frightened about all those Mexicans hanging out
2 in the store, and I assume that we go there, just
3 like anyone else would, to buy groceries. And yet
4 that kind of thing gets perpetrated into our society.
5 It really sets the tone for believing it is all right
6 to commit violent crimes, or to continue to have
7 certain kinds of prejudices against Latinos.

8 The third piece, which I will also be
9 giving to you, is only to act as a backup material,
10 which has been the way in which also these attitudes
11 develop into law enforcement agencies.

12 Of particular concern to us, is one case
13 very recently in which the border patrol taunted
14 people who were sitting at the border for over an
15 hour and it was documented by journalists who
16 happened to be in that group for another reason,
17 doing a story, and yet were also eye-witnesses to the
18 crime of taunting that went on on behalf of the
19 border patrol. And yet an hour later a 14-year-old
20 was killed. And I think it's that kind of evidence
21 that we need to look at.

22 The recommendation of my organization is
23 that the Commission look at doing a statewide study
24 and collection of information on violence against
25 Latinos to determine whether or not this is indeed

1 occurring, and the extent to which it is occurring in
2 this state.

3 MS. MERCADO: Thank you. Irma raised this
4 issue as you recall in the June 30 hearing, and we
5 asked her to provide us with more information. We
6 have written to the San Diego Human Relations, or
7 Human Rights Commission, as well as to the San Diego
8 Sheriff asking for more information to date. To
9 date, we have not received a response. We will
10 follow up and try to work with those agencies to
11 determine what is happening and recommend another
12 course of action.

13 HON. LYTTLE: This may have been addressed
14 in your report, but in case it hasn't, I attended a
15 meeting of the National Conference of Christians and
16 Jews at which one of the guests was the attorney
17 general from one of the states of Mexico. And he had
18 referred to a report prepared covering the
19 incarceration of Latinos in San Diego in response to
20 the charge that migrants are committing
21 disproportionate percentages of crimes in that area.

22 This report found, in fact, that this
23 wasn't true -- it's an excellent, well-done report.
24 I happen to have a copy of it. I'd be happy to share
25 it with you.

1 MS. CASTRO: It may not be referred to, I
2 believe you're talking about the document that's
3 called The Impact of Undocumented Workers in San
4 Diego, and I'll be happy to provide a copy of that to
5 the Commission.

6 HON. LYTTLE: I think the Commission should
7 have it.

8 MS. CASTRO: It's a document that
9 certainly one talks about how crime continues to be
10 placed on the shoulders of the supposed undocumented.
11 And even with a disproportionate amount of arrest
12 rates, it is still a small number. And this is only
13 arrest rate information, it is not conviction rate.
14 It is a small number compared to what people have
15 portrayed in terms of law enforcement agencies, so I
16 thank you.

17 MONSIGNOR BARRY: Also relevant, I think,
18 to what Irma alluded to, you may have read it in the
19 paper, that in Southern California and Costa Mesa
20 just recently, the city council actually passed a law
21 to makes it illegal for Central Americans or South
22 Americans to gather in parks just looking for day
23 labor, and they're not allowed to be there.

24 And in Orange County, one of those areas
25 where they not only need the labor very badly, all

1 businesses are closed down in the restaurant areas
2 and so forth, because they didn't have South American
3 and Central American employees. And a lot of the
4 maintenance of homes and so forth, that they both
5 needed -- people need each other. The laborers need
6 the work, and the work need the laborers, yet the
7 city council actually passed a law that they could
8 not gather to be picked up to be taken to a labor
9 point.

10 MS. CASTRO: In San Diego County there's
11 already been a similar ordinance passed in the City
12 of Encinitas, as there is one being proposed in the
13 City of Poway. In addition, in the City of Encinitas
14 they have also outlawed migrant encampments, but have
15 done nothing to provide the housing and they want a
16 hiring law. I think this is a very mixed, very
17 contradictory kind of action.

18 MONSIGNOR BARRY: We have a new judge,
19 Armando Rodriguez, that has just arrived. Judge,
20 welcome aboard. And Diane Yu has just arrived of our
21 Commission.

22 MS. MERCADO: I just realized there was
23 another point of information that I wanted to give
24 you. We have, and I think that I may have given you
25 some of this information in the past, but I'd like to

1 reiterate because we are very happy that it is
2 ongoing now. One of the recommendations was for
3 establishment of a clearing house in the State
4 Attorney General's office, with respect to hate
5 crimes prevention, development of model programs,
6 identification of model programs, and other useful
7 information, and resources that we could share and
8 make available to community organizations, law
9 enforcement, schools and so forth.

10 Lola Acosta, my assistant, in fact is
11 heading up that effort in the office, and we are
12 beginning to input the data into the computers, so
13 that we will be developing informational catalogues
14 that we can send out and refer people to. So we are
15 very happy that that is falling into place now too.

16 MONSIGNOR BARRY: It might be helpful too,
17 to remind people that Alice Lytle several years ago
18 chaired a committee that initiated the efforts to get
19 input throughout the state concerning hate crimes,
20 crimes against minorities, and it was the result of
21 that particular survey that shocked an awful lot of
22 people in the state. In fact, to appreciate the
23 fact, it gave some impetus to Attorney General John
24 Van de Kamp to take that particular program and bring
25 it up to date. I think if you have anything you'd

1 like to add just historically, it might allude to how
2 far we may have come -- some of the reading you have
3 done.

4 HON. LYTLE: Well, just to give you some
5 historical background, several years ago -- more than
6 I care to share with you -- I was chief of what was
7 then the Division of Fair Employment Practices, which
8 at that time, was a division within the Department of
9 Industrialization. And one of my concerns -- well,
10 as you know, the California Fair Employment Practice
11 Law protects people against, among other things,
12 discrimination, employment, housing, public
13 accommodations.

14 The law also provided for some
15 jurisdiction in the area of violence perpetrated
16 against people, or it did after we changed it. It
17 occurred to me that we didn't know enough about the
18 question of violence perpetrated against people
19 because of their race, ethnicity, religion, etcetera.

20 I assigned a staff person to conduct what
21 could only be a very preliminary, indeed cursory,
22 study of the issue, and as Monsignor Barry indicated,
23 reading just that cursory information were appalled
24 at what we found out; that what we considered to be,
25 at least during the year's study, an alarming

1 increase in incidents of violence, particularly in
2 certain sections of the state, Los Angeles
3 particularly, high incidents of anti-Semitic violence
4 in certain parts of Northern California, Sacramento,
5 Contra Costa area, violence against black families,
6 violence against Latinos, violence against gays and
7 lesbians. And it appeared that it was something we
8 simply couldn't ignore any longer.

9 So, when I became Cabinet Secretary under
10 the administration of Governor Edmund G. Brown, Jr.,
11 I asked him if we could create a statewide task force
12 to do a more thorough study of the issue. And one of
13 the recommendations of that task force was that the
14 Attorney General for the State of California formed a
15 task force because under the jurisdiction of the
16 Attorney General's Office there appeared to be a
17 likelihood of more intelligently outlining the laws
18 of the state to protect people against that kind of
19 violence because that's the history of this task
20 force. Actually, in the legislative arena, the
21 Attorney General had far more success than the task
22 force that was created by Governor Brown.

23 Moreover, I think that given the ability
24 to generate the kind of information this Attorney
25 General's task force has been able to generate,

1 there's a greater likelihood of being able to reduce
2 the problem of hatred and violence perpetrated
3 against people, but we have a very, very long way to
4 go.

5 You would find it useful to read the
6 report that was generated by the Governor's task
7 force because it gave a very clear and unhappy
8 history of this kind of hatred and violence just in
9 the State of California.

10 I consider myself very sophisticated about
11 this sort of thing, but I was surprised about, number
12 one, how long this has been going on, and two, what a
13 continuing problem it is -- it has been. So I would
14 refer you to that report. We made copies available
15 in the libraries of the state and the Fair Employment
16 Practices, which is now a department, would still
17 have copies of the report, and I commend it to you as
18 history of not only with regard to this task force,
19 but it's history as to what a deep and abiding
20 problem this has been.

21 MONSIGNOR BARRY: Thank you, Alice.

22 Joaquin Avila is here, a former member of
23 our Commission, and we'd like to hear from him as
24 part of the input of our Commission meeting.

25 MR. JOAQUIN AVILA: Good morning, I'm

1 struggling through a cold here. Thank you very much
2 for taking me out of order. I have a very similar
3 presentation to make before another group in about an
4 hour, hour and a half, in southern Alameda County.
5 So, I thank you very much for taking me out of order.

6 I am a voting rights attorney in southern
7 Alameda County. I have been in private practice now
8 for four years. Before that I was president and
9 general counsel of the Mexican-American Advanced
10 Education Fund, and in my capacity as private,
11 private practice, I come in contact with many
12 communities across the state and one of the things I
13 have noticed over the years is in fact, the more
14 increased level of violent activities in many
15 instances that have been perpetrated and committed
16 against minority communities, and it's important to
17 put this thing in a connection, and of course, we've
18 all heard about the discussions concerning the future
19 demographic changes and so on. But it's somewhat
20 analogous to the experiences I've had in voting
21 rights litigation, and that is whenever a minority
22 population, maybe five to less than ten percent, in a
23 city or school district, you often find in some
24 instances that a minority can get elected.

25 In some instances that is possible because

1 there is not -- it is not perceived as a threat and
2 as a result of that, you do find some in some places,
3 minority representatives in city councils and school
4 boards. It's only when minority populations start to
5 increase beyond ten percent, fifteen percent
6 threshold level that you have a greater perception
7 either of whether it appears to be a threat, or self-
8 defense or a defense mechanism, or whatever. But the
9 presence of the growing minority community somehow
10 causes more opportunities for people to engage in
11 what I call racially polarized voting. And that is
12 where the Anglo community candidates are preferred by
13 the Latinos and minority communities.

14 So we are in the same position at the
15 statewide level in California where the minority
16 population is going to become in fact a majority, by
17 expected and conservative estimates, by the year
18 2000.

19 So, it's in that context that I start to
20 see a lot of incidents that have been occurring.
21 They've been well documented and the most recent
22 well-documented incident was the burning of a cross
23 in the City of San Leandro. I've gotten phone calls,
24 the most recent one was from this Hispanic family in
25 southern Alameda County that was experiencing very

1 overt racial hostilities. They were in a
2 predominantly white, semi-affluent part of southern
3 Alameda County, and they were experiencing
4 harassment, both for their children and also for the
5 adults.

6 And in fact, just yesterday I was speaking
7 with my son about his school -- he attends Mission
8 High School in Fremont -- and he was telling me that
9 in his English class they got into a discussion about
10 the Pledge of Allegiance and how some -- there was a
11 discussion as to whether in fact by not saying the
12 Pledge of Allegiance whether you in fact are un-
13 American, or whether you were just merely affirming
14 the values and principles, but yet realizing that we
15 were a long way from that. And during the course of
16 that discussion, a student admitted that he was a
17 bigot and these were high school students, so I
18 wouldn't pass it off at the level, to the elementary
19 or undevelopment or whatever of elementary schools.
20 This was a high school student that had admitted that
21 he was a bigot and the statement went unchallenged.
22 And I think it really relates to the latter part of
23 my discussion and that is, what can we do about these
24 things that are occurring.

25 It's not just violence committed by non-

1 officials, by private citizens. It's violence that's
2 being perpetrated and being perceived as that by many
3 INS officials in the raids in the San Jose and Gilroy
4 areas as well as other parts of California.

5 What is happening here? I think that what
6 we're seeing is what I am seeing in our voting rights
7 litigation as the minority populations starts to
8 increase in numbers and starts to exert some very
9 basic issues concerning access, you're going to see
10 more confrontations, you're going to see more
11 incidents like the cross burning in San Leandro.
12 More students openly engaging in racial hostilities,
13 you're going to see more of that.

14 And it's not that there are no quick
15 fixes. The reason why this is happening is because
16 there is a climate -- it's a climate that has been
17 fostered and created and nurtured in the highest
18 levels of government to local governmental agencies,
19 from very overt acts with intent, specific intent, to
20 discriminate, to more benign, more innocuous things.
21 But it's a climate, and I think that we need to do
22 something, to go beyond the mere climate of racial
23 and ethnic toleration, the climate of non-
24 discrimination. We need to go beyond that, we need
25 to go beyond to a climate in which we are able to

1 extol and praise the benefits of our cultural and
2 racial diversity.

3 And that has to be very positively
4 stressed. And the only place where I think that
5 could be positively stressed is in the school
6 systems. There has to be in the curriculum courses
7 on -- I don't know what you want to call it --
8 basically, interpersonal relations with very strong
9 components focusing on the racial and ethnic
10 diversity within our state. And that's where it has
11 to be, that's where the younger generation spends
12 most of its time, especially in the elementary
13 schools before they start dropping out -- junior high
14 and high schools.

15 And there's, of course, work that needs to
16 be done in other areas; voting rights, employment,
17 education, economic development. But this committee
18 and certainly the state legislature can't tackle
19 everything. But if you could just focus your efforts
20 and give very specific recommendations and maybe have
21 a test pilot, or test school sites where you can
22 examine the implementation of such a program, that
23 would test attitudes both before and after the
24 program and find out what works. And if it works,
25 let's implement it on a statewide basis. That's what

1 we need because ten to fifteen years from now we're
2 going to be in a very severe social crises if we
3 don't start to address these issues now in a very
4 meaningful way.

5 Thank you. I'm here for any questions.

6 MS. DIANE YU: Yes. This is Diane Yu,
7 Commissioner. Do you know of any test programs, or
8 pilot projects that you could recommend, or
9 investigate a little more closer? Are there any
10 models out there that you're aware of now?

11 MR. AVILA: No, there are not. I'm sure
12 they are out there, I am sure. Probably where I
13 would probably look for one would be places where
14 they desegregated lately, and they had programs to
15 try to ease some of the racial and ethnic tensions
16 that are caused by desegregation plans.

17 And many times a component of a
18 desegregation plan on a temporary basis, is to have
19 some programs that deal specifically with that issue.
20 And the most recent one, I guess, is in the San Jose
21 Unified School District. I'm not sure that they have
22 such programs, it's the first place I would look for
23 them.

24 MS. YU: Are you aware of any programs
25 nationally? I know you have a lot of contacts

1 throughout the country.

2 MR. AVILA: No, I am not aware of any
3 specific programs, but the places I was thinking
4 of -- places where I would start to go to look for
5 such things, there was a report issued by the
6 Carnegie Foundation. It was funded by the Carnegie
7 Foundation and it's a report that deals with the very
8 high dropout rate of Latinos across the country. And
9 it was published by the Hispanic Policy Development
10 Project.

11 MS. YU: Do you know what year that was?

12 MR. AVILA: It was about five or six years
13 ago, and the Hispanic Policy Development Project, I
14 believe, is in New York City. And I'm sure one of
15 the Foundation officers of Carnegie would know how
16 you could get in touch with them.

17 MS. YU: Thank you.

18 MR. DAVID KASSOY: Yes. This is David
19 Kasso, and I had two points I wanted to make.

20 A brief observation about the political
21 process and what happens when it increases its
22 numbers. There are six Jewish United States
23 Senators. None of them are from New York, California
24 or Illinois, where most Jewish Americans live. So
25 that phenomenon, or perceived threat, when a minority

1 isn't a threat is not new.

2 More importantly, I wanted to say that I
3 completely agree with your concern that as California
4 becomes more of a pluralistic society, as the
5 minority population becomes a greater percentage of
6 the population of California, that we are going to
7 have severe strains in our society that we have to
8 prepare for.

9 Probably the biggest factor in unrest
10 among people who are different, is economic. This
11 commission has very little that it can do in that
12 sphere. I think we've done a lot in the area of
13 criminal and civil law, but the most important area
14 is what you stated, it is education.

15 Education and government having a role as
16 a conciliator, and that's two areas of the
17 recommendation of this commission on which we still
18 have a great deal of progress to make. As was
19 mentioned earlier, legislation that would add human
20 relations components was vetoed by the Governor.

21 The data collection in the schools, which
22 was the other legislation that would show us --
23 enable us to identify the problem and to measure it,
24 was vetoed by the Governor. The legislation that you
25 recommended to set up human relations commissions in

1 every county still has not been passed.

2 I wondered whether you, as a
3 representative of the private sector that is working
4 so hard in this area, have ever considered the
5 possibility of an initiative, a human relations
6 initiative. We've seen many, many people use the
7 initiative process to show the legislature that the
8 legislature isn't doing their job. Perhaps this is
9 an area which an initiative could accomplish
10 something that the legislature has not yet had the
11 intestinal fortitude to do.

12 MR. AVILA: I would certainly examine the
13 approach of the initiative. The only difficulties
14 that I see is financial. But it takes a considerable
15 amount of funds to even have an initiative placed.

16 And secondly, I would be afraid of the
17 backlash that might result. And the only experiences
18 I have with initiatives, if it's portrayed as a
19 minority issue, and if it's somehow packaged that way
20 by the opponents of such a measure, then it would be
21 defeated. You have to look at things like the
22 English Only Initiative -- if you go back as far as,
23 if you like, at one point I think there was
24 Proposition 14, which permitted home owners to sell
25 property to whomever they wanted. And of course, in

1 many instances they wouldn't sell to any minorities.

2 So, I'm not that optimistic about the
3 initiative process being a very realistic vehicle for
4 that because it takes a great deal of financial
5 resources to get something like that. I would first
6 of all recommend focusing on developing a track
7 record.

8 In your discussions, it sort of triggered
9 in my mind another agency that could be contacted and
10 I'm sure you're familiar with it. And that is the
11 Community Relation Service of the United States
12 Department of Justice. I had a great deal of
13 experience with them in Texas. There was a great
14 deal of animosity and hostility to the law
15 enforcement officials in the Hispanic community
16 because of several killings that had occurred while
17 persons were in custody. And what Community
18 Relations Service did is they sponsored a series of
19 workshops, small workshops first where we got the
20 sheriffs and the city police chief, some of the major
21 cities -- just three or four -- and three or four
22 statewide leaders, and so on. And from that nucleus
23 developed much larger workshops to a conference and
24 so on.

25 I think that the way this issue can be

1 approached, clearly, is we need to address much
2 larger impact and larger issue. But I think if there
3 is any way we could start to establish contact with
4 the Community Relations Service to try to find out
5 from various foundations and groups as to what kinds
6 of similar programs they have in schools. And if
7 there is a success story out there, it's already been
8 done, we need to publicize that and try to replicate
9 it at other places. And if we fail at the statewide
10 level, then this focus may be on a school district.

11 Clearly, there must be a school district
12 in California that sees this as an important
13 priority, that would be willing to work with the
14 commission to address the issue of race and ethnic
15 relations and start off with a small, manageable
16 project and develop a track record which can then
17 form the basis for more comprehensive statewide
18 legislative process or to the initiative process.

19 MONSIGNOR BARRY: Thank you very much,
20 Joaquin. Later on this morning we will be hearing
21 from school districts that do have projects that are
22 successful.

23 HON. LYTLE: I just can't let you leave
24 without telling you, or acknowledging the truly
25 remarkable work that's being done in the voting

1 rights area. I just wanted to tell you.

2 MS. YU: May I ask one more question
3 please?

4 This is Diane Yu. Before you leave I want
5 to take the opportunity to ask you, since you are a
6 lawyer, whether you feel that the recent U.S. Supreme
7 Court cases which generally have cut back
8 substantially on the affirmative action effort, may
9 have some negative impact in terms of human rights,
10 human relations efforts that you're interested in?

11 MR. AVILA: I don't think clearly yes. It
12 relates back to this climate that I was discussing.
13 But what I found is that we can't just merely rely on
14 government entities. We have to create our own
15 opportunities and we have to seize them. And I think
16 there is plenty of -- I think if there are school
17 districts that are willing and are going to be
18 presenting programs. I think maybe developing a
19 coalition for an issue, a group of individuals from
20 minority businesses, from educational institutions,
21 and in other sectors of the minority communities to
22 focus on the particular school and to address the
23 issue. And then take that to try to replicate that
24 on a statewide basis and it was done in a similar
25 fashion in Santa Clara County with the Latino Issues

1 Forum of Santa Clara County where you had
2 representatives from educational institutions such as
3 Stanford. You had business people, you had
4 researchers, you had private persons like myself, and
5 community advocates were involved. And they
6 developed a report on education, drugs and so on.
7 And I think a similar effort like that could be
8 targeted in a given school district and that way you
9 could replicate and publish it.

10 MONSIGNOR BARRY: Thank you very much. We
11 appreciate your input, both past and present.

12 We are ready to start the hearing now, it
13 being 10:00 o'clock, and it might be good to indicate
14 two things first. One, is to welcome all who have
15 been good enough to come to the hearing. We hope and
16 we are confident in the course of the day you will
17 hear some very significant input in our concern
18 together that with the call of Attorney General John
19 Van de Kamp to create the commission in 1984. The
20 information on the nature and incidences of hate
21 violence in California as the commission met over a
22 period of two years from '84 to '86, it had hearings
23 all over the state -- north, south, central -- and it
24 became convinced that violent crime motivated by
25 bigotry did exist. And the summary that was put

1 together virtually in a report has called us to
2 periodically read, look at how violence might still
3 be apparent and present.

4 Unfortunately, violence motivated by
5 bigotry exists and appears to be increasing in some
6 areas of the State of California. And as the poor
7 get poorer and the rich get richer, some of the
8 violence is among the minorities against minorities
9 because of the victims of poverty rather than the
10 freedom to share all the benefits that the nation has
11 to offer. We will be reporting back to the Attorney
12 General on the current status of hate crime in
13 California and the efforts that are being made to
14 stop it, or control it, or to in some sense modify
15 it.

16 On behalf of Attorney General John Van de
17 Kamp and the Commission, we want to thank you all for
18 coming today. At this particular moment the Attorney
19 General, himself, is giving a report.

20 Last January Patrick Purdy committed one
21 of the most appalling crimes in California history.
22 He opened fire on a crowded playground at Cleveland
23 Elementary School in Stockton and then he committed
24 suicide.

25 Purdy attacked the Southeast Asian

1 immigrants out of festering sense of racial hatred.
2 This is the report that the Attorney General John Van
3 de Kamp is giving right now. He attacked the
4 children out of his own insecurity and cowardice.

5 Some of the complications that the
6 Attorney General is making in his presentation now,
7 is that such sentiments are common in California,
8 whether directed at immigrant groups or the
9 minorities like blacks, Jews, or Hispanics. Most
10 people who believe and say such things are not so
11 dangerous and unstable as Patrick Purdy, but it's no
12 coincidence that the number of racially and
13 ethnically motivated hate crime in California are
14 rising rapidly.

15 As the committee recommendation made last
16 year, schools in communities must share the
17 responsibility of this work. We've already observed
18 here this morning in our own group, so must all of
19 us. If we accomplish anything in our lives we can
20 help deny psychological support to the Purdys among
21 us. This is one particular observation that is being
22 made at this moment by the Attorney General. And as
23 we move into our own hearing we would like to suggest
24 a couple of aides because it's a very full schedule.

25 There are some wonderfully informed people

1 appearing before us and we'd like to remind you that
2 any testimony given today, or up until October 31st,
3 will be accepted and become a part of the report.

4 In the interest of time here, it will be
5 beneficial that each person who presents the material
6 would summarize it. We have, roughly speaking, about
7 ten minutes per person to give a presentation. And
8 that doesn't mean that anything that can entail or
9 substantiate what you're observing in your summary
10 would be kept out of the report. If you can plan to
11 give it to the office by October 31st, it will be
12 included in the report itself.

13 We now welcome you, and encourage you to
14 make a presentation. Most of you have a copy of what
15 your report says. Please leave it with us today so
16 we can take that.

17 Now we have Sam Cacas for the first
18 presentation. Please introduce yourself and whom you
19 represent and give your presentation. Welcome, Sam.

20 MR. SAMUEL CACAS: Thank you, Monsignor
21 Barry. Thank you, Commissioners.

22 My name is Samuel Cacas, and I'm here
23 representing the Break the Silence coalition against
24 anti-Asian violence. The coalition since its
25 inception in 1986 has addressed broader aspects of

1 anti-Asian sentiment and violence. Some of these
2 issues include racial stereotyping by the media, the
3 adequacy of law enforcement and other federal
4 agency's response to victims of anti-Asian violence,
5 government policies that encourage anti-Asian
6 violence. And that in addition to the anti-Asian
7 violence, the hate violence to other groups such as
8 blacks, lesbian and gays, Jews, and Arabs and women.

9 Publishing a newsletter, holding community
10 forums, and making presentations at schools and other
11 interested organizations are just some of the
12 activities that we have undertaken to address the
13 issue.

14 Our main accomplishment thus far has been
15 community organizing in San Francisco with black, gay
16 and lesbian, and women's groups which resulted in
17 passage earlier this year of a hate crimes monitoring
18 system for the San Francisco Police Department.

19 Currently, we are conducting
20 intercommunity outreach programs to the black
21 community, the gay and lesbian community, and the
22 Southeast Asian community in the Bay Area and the
23 Stockton area.

24 Since the commission has held hearings
25 four years ago, hate violence has increased in both

1 numbers and violence. No community has been exempt.

2 For instance, this escalation has been
3 typified by the following examples:

4 In 1987, an 18-year-old Chinese American
5 student in Lafayette was the victim of racist
6 graffiti and death threats written on his home, his
7 school, and the city's business district.

8 In 1988 at U. C. Berkeley, racist graffiti
9 proclaiming "Japs and Chinks Only!" was found on the
10 door of the ethnic studies department.

11 And just two months ago in North Carolina,
12 a Chinese immigrant was murdered by a white man
13 outside a barroom following racial violence, and
14 struck with a shotgun.

15 And earlier this year, as Monsignor Barry
16 has mentioned, four Cambodian and one Vietnamese
17 student were struck down in a Stockton elementary
18 school yard by a man wielding an automatic assault
19 weapon, and hatred being the issue.

20 There have been advances in dealing with
21 hate violence. The Attorney General's office and
22 this commission play key roles in increasing
23 penalties and creating civil remedies against hate
24 crime perpetrators.

25 Individual jurisdictions such as San

1 Francisco, Los Angeles and Concord have created hate
2 crimes monitoring systems. And just three days ago,
3 California created its first statewide hate crimes
4 reporting system.

5 Yet despite these advances on the
6 government level, little has been done to insure a
7 corresponding ripple effect at the community level.
8 This is due to three factors.

9 One, lack of public education efforts.
10 Two, no effort to link law enforcement agencies on
11 hate crimes with a general comprehensive community
12 response to hate violence.

13 And three, a failure to recognize
14 community groups as institutions which have done much
15 of community education advocacy and victim assistance
16 necessary to address hate violence.

17 Break the Silence makes the following
18 recommendation:

19 1. Full implementation of the new Hate
20 Crimes Reporting System. As some of you may know,
21 this system which was proposed by former Senate Bill
22 202 by Diane Watson, as yet has no appropriation,
23 even though it's scheduled to go into effect July 1
24 of 1990. This commission should recommend
25 legislation to insure adequate funding for the proper

1 operation of the reporting system, and further to
2 insure public input into the operation of this
3 system. A statewide advisory task force should be
4 created to solicit ideas for the design and use of
5 the reporting system. Similar advisory models at the
6 local level might be suggested, such as a community
7 committee working with the San Francisco Police
8 Department currently to better implement their hate
9 crimes reporting system.

10 2. Full implementation of the Bane Civil
11 Rights Act. This commission should recommend to the
12 Attorney General a full program of training and
13 education on the Bane Civil Rights Act. This should
14 include direct training and liaison with attorneys
15 and cooperative training efforts with the civil
16 rights community.

17 Further, specific committees should be
18 created to educate the public at large on their
19 remedies in hate violence situations.

20 3. Support for comprehensive hate
21 violence projects. This commission should recommend
22 creation of a comprehensive demonstration project
23 throughout the state, similar to efforts supported to
24 promote demonstration hate crime reporting systems in
25 1986. Under Senate Bill 20804, increased support for

1 community-based organizations and networks.

2 Community-based organizations are by far
3 the most effective means for promoting education and
4 intervention service for hate violence prevention.
5 Many organizations have years of experience in
6 monitoring hate violence in the black, Asian, Jewish,
7 and lesbian and gay communities, to name a few. But
8 many of these organizations have consistently
9 assisted victims and conducted advocacy work without
10 recognition from the government organizations of this
11 type. It should be recognized as instruction which
12 plays an active role in alleviating strong law
13 enforcement.

14 This commission should recommend and
15 sponsor innovative funding support for these
16 organizations and work for their inclusion at all
17 levels. This effort can be acknowledged at a
18 statewide human relations network to identify those
19 organizations who can provide services and expertise
20 on the hate crime, hate violence issue.

21 Break the Silence coalition is
22 accomplishing the beginning stage of a joint venture
23 between community groups I'm here to address, and we
24 are definitely confident that the government, whether
25 it's a commission or any other level of government,

1 will do its best to address this issue better in the
2 future. Thank you.

3 MONSIGNOR BARRY: Thank you very much.
4 Good recommendations and we will take them into
5 consideration.

6 MS. CASTRO: I have a brief question.
7 Early on in your presentation, you mentioned the
8 coalition of groups that were working in this part of
9 the state, I notice you did not mention blacks or
10 Latinos -- is that to assume they are in a different
11 coalition or they have no interests in this
12 particular topic?

13 MR. CACAS: That's not true. I meant to
14 say I didn't -- that was to be all inclusive,
15 including the NAACP and the San Francisco effort.

16 MONSIGNOR BARRY: Thank you very much. We
17 appreciate it.

18 Our next person giving a presentation for
19 Contra Costa County District Attorney's Office is
20 Jack Waddell.

21 MR. JACK WADDELL: Ladies and gentlemen of
22 the Commission, my name is Jack Waddell and my title
23 is District Attorney of Contra Costa County.

24 The reason I'm appearing before you this
25 morning is to explain briefly in summary form the

1 protocol which our county -- the DA's office has
2 developed in dealing with the issues of hate
3 violence.

4 Approximately a year ago, working with
5 Human Relations Commission of our county, the
6 District Attorney's office developed a protocol for
7 dealing with the issue of hate violence in our
8 community. The two main prongs of this protocol are
9 as follows:

10 It features a vertical prosecution
11 component for the prosecution of perpetrators of hate
12 violence crimes. Some of you in law enforcement
13 would know what this is, but for those of you who are
14 not, what it is is a method of prosecution which has
15 been developed in the past, mainly dealing with
16 sexual assault victims, child abuse victims, and some
17 career criminal-type victims where there's an effort
18 to assign a case that comes into the office to a
19 single attorney who follows the case all the way
20 through, and appears in the case at all significant
21 stages of the proceedings.

22 This method of prosecution accomplishes
23 two things in our view. First of all, it meets the
24 unique needs of victims of hate violence crimes,
25 which are similar in some ways to the needs that are

1 found in the victims of the sexual assault and child
2 abuse.

3 In other words, the victims very
4 frequently, as opposed to some other crimes, find
5 themselves emotionally traumatized and seem somewhat
6 fragile emotionally. And they need someone to look
7 to early on, as the case goes through the criminal
8 justice system, that is knowledgeable about the case
9 and was there when they needed them. This feature
10 accomplishes that. And our protocol, it mandates
11 that the attorney and the victim meet within a period
12 of five days after the date filed, which may seem
13 like more time than is appropriate, but it's a lot
14 better than we can do in most cases.

15 The second thing it does, is it gives the
16 attorney who is handling the prosecution of the case
17 the opportunity to work up the case through a more
18 intensive investigation, than they ordinarily have
19 the time to do it, given the level of the case, many
20 of which are misdemeanors.

21 As perhaps some of you know, the criminal
22 justice system, like many other human service
23 systems, are overloaded and sometimes a misdemeanor
24 or prosecution are given rather summary attention.

25 What we try to do with this vertical

1 prosecution is take these cases out of the system and
2 assign an attorney to this case who will be familiar
3 enough with the case so that nothing is lost.

4 Because in the normal assembly line process of
5 passing off cases from division to division, from
6 attorney to attorney, many counties lose -- and we
7 just in some kinds of cases, something is lost -- the
8 analogy of the case is lost usually to the detriment
9 of the prospect of conviction.

10 The other component -- the second prong of
11 the protocol provides for that, which is important,
12 is filing the decision. The decisional process is
13 whether or not the prosecution is made by an
14 experienced attorney in the office, as opposed to one
15 of a lower level. Keep in mind that what we are
16 talking about here is very often offenses which are
17 misdemeanors in nature. And I think it's the case in
18 our county and most other counties that routine
19 misdemeanor cases are sometimes filed by
20 investigators, attorneys who have just come out of
21 law school and joined the office. Law clerks
22 sometimes participate in the filing process.

23 Obviously, the more experienced person you
24 have reviewing these cases, who is tuned in to the
25 sensitivity of these cases, and the difficulties in

1 prosecuting them, the more experience you have in
2 making decisions, making the process better off than
3 you're going to be when the case enters the judicial
4 system down the road.

5 So those two features of our protocol I
6 think are somewhat unique. We are working with the
7 Human Relations Commission in order to develop this
8 into a countywide protocol, where school support
9 groups, police departments and other community
10 organizations developing their own protocol, which
11 hopefully will dovetail with ours.

12 We are trying to develop a sensitivity in
13 our office to these types of things. The protocol
14 has been published as office policy. I do have some
15 copies if anyone cares to see what it is.

16 Implementation of a system like this is not without
17 problems, as we found. One thing that we found is
18 that the civil rights laws, the 422 sections do
19 provide us with some difficulty in that they are all
20 specific intent crimes. What that means is, if you
21 happen to have a -- and sometimes there are multiple
22 specific intent crimes.

23 In other words, you have to have a crime
24 committed with a particular intent and you have to
25 prove that intent to the jury and the court beyond a

1 reasonable doubt and to a moral certainty. Sometimes
2 this is difficult. Sometimes this is very difficult
3 because there is an underlying issue.

4 For instance, if you have a vandalism and
5 racial slurs painted, for instance, on a neighbor's
6 garage door, for instance. Is racism the underlying
7 issue, or is the underlying issue a history of
8 neighborhood over-the-fence, backyard disputes
9 between the neighbors -- barking dogs, encroachment
10 of trees, and so on and so forth. And are these
11 racial slurs only incidental and spontaneous and
12 without any deep roots in terms of, you know, the
13 underlying problem.

14 So these are issues that we've had to deal
15 with. What we do frequently in the prosecution of
16 these cases, is combine the hate violence crimes with
17 other general intent crimes, like battery, vandalism,
18 charging as multiple counts on the same complaint.
19 So it eases the burden of the prosecution a little
20 bit.

21 Another problem, of course, that we have
22 at any time we do this type of prosecution, it's not
23 what you call cost-effective. In other words, it's
24 expensive -- it's an expensive way of going about it
25 because taking one attorney away from a group and

1 having him only handle a single case is sometimes
2 very, very difficult in terms of a drain on the
3 resources in the office.

4 However, we have made a decision that
5 that's not going to be a factor and whatever monetary
6 cost this type of approach imposes is made up by the
7 other benefits that we get from this type of
8 approach.

9 Obviously, the prosecution element is a
10 very small element. We don't obviously go to the
11 roots of the issue. We are not into prevention so
12 much, and what we do think is important is that when
13 crimes -- hate violence crimes -- are committed that
14 the perpetrators in the public recognizes that by
15 seeing the perpetrators charged with this type of
16 offense that it highlights the issue that this sort
17 of conduct cannot be tolerated, that it is a crime,
18 and persons who do these sort of things will have to
19 answer for them.

20 Like I said, I think that's just about my
21 ten minutes. I do have some of these brochures.

22 MONSIGNOR BARRY: Good. Leave those with
23 us please.

24 MR. WADDELL: I'll be happy to do that.
25 Does anyone have any questions?

1 MS. YU: This is Diane Yu, Commissioner.
2 Have you found -- what's the experience been, you
3 said this was implemented last year -- what was the
4 actual experience? How has it been received and do
5 you find that the charges for these hate crimes may
6 be made and ultimately dismissed or dropped because,
7 as you indicated, they are more difficult to prove?

8 MR. WADDELL: Well, we've had probably
9 only about a half a dozen cases in our county that
10 actually have been charged criminally over the last
11 year. I perhaps should have, but didn't get the
12 specifics on what has happened in each case, but
13 generally speaking, a couple of them have gone to
14 trial and we did get convictions on the principle
15 charge on one of them.

16 On another it was -- we charged a 422.6
17 and got a battery conviction. It's not that bad,
18 it's a lessor misdemeanor charge, but again the
19 important thing is that we are charging these
20 offenses and they are a public record. And the
21 perception that the public has is that this person is
22 on trial and has done one of these acts of hate
23 violence and it just highlights the issue.

24 So whether or not we get a conviction on
25 the principle charge probably is not as important as

1 the fact that they are charged. We do use these
2 sections and as far as how it's received in the
3 office, most attorneys do like to get a hold of a
4 case like this because it allows them a little extra
5 time to work on it. It's something a little bit
6 different, and the opportunity to investigate the
7 case on their own is always welcomed. So we found
8 it's been well received in our office.

9 HON. ARMANDO RODRIGUEZ: You mentioned you
10 were trying to get protocol around the county. I
11 wonder what the cooperation has been with the law
12 enforcement agencies in the county.

13 MR. WADDELL: It's been very good in our
14 county. As a matter of fact, we are very close I
15 believe at this point, to having a countywide
16 protocol published and ready to go. The law
17 enforcement part of the countywide protocol again
18 emphasizes, once the investigation is done it
19 dovetails with our protocol by indicating that
20 investigators should bring the case up to what we
21 call our Felony Filing Deputy, even though the case
22 may be a misdemeanor. They are instructed to bring
23 it to the Felony Filing Desk, which is desk manned by
24 a more experienced attorney. And then in our
25 protocol we indicate that this is the attorney that

1 is supposed to make the decision along with the head
2 of the office, and also key in and notify the DA
3 himself -- any case that comes in like this.

4 We are trying to make sure these cases
5 don't slip through the cracks at any stage of the
6 proceedings. The police investigation is taken from
7 the police, to the DA's office, and doesn't get lost
8 in the DA's thousand or so cases, but it's given
9 special attention and special assignment. It does,
10 in fact, work.

11 Now if we had 50 or 75 of these cases and
12 we tried them in this vertical prosecution, it could
13 be a substantial drain on our resources. But at the
14 present time we're functioning all right.

15 MONSIGNOR BARRY: Thank you.

16 MR. KASSOY: Specifically, do you have any
17 special features in your protocol for dealing with
18 juvenile offenders? Has your experience been that
19 there is any disproportionality of hate crimes
20 committed by juveniles? When you do deal with
21 juveniles, is there any sort of diversion program
22 which would enable one-on-one so that person would be
23 perhaps influenced and turned around?

24 MR. WADDELL: Of course, juveniles are a
25 little bit different ball game all the way around.

1 To answer the first part of your question, we do have
2 and we're doing it right now, incidents involving
3 juveniles clearly is a problem. I don't know whether
4 it's disproportionate, but it is a problem.

5 Many times, of course, once a juvenile is
6 cited or arrested for an offense like this, he is
7 taken to the probation department and it goes to the
8 police probation department unless it's a certain
9 specified type of crime. But the younger juveniles
10 are taken to the probation department and that acts
11 as a clearinghouse. The probation department deals
12 with the case, and determines whether or not some
13 sort of informal diversion would be appropriate.
14 They decide whatever seems appropriate.

15 Then the case is brought into our office.
16 And if it is brought into our office -- as a matter
17 of fact I happen to be in charge of the juvenile
18 section, so the same protocol that we have in the
19 adult section is followed by our juvenile section.

20 Once the case goes into the DA's office we
21 -- with juvenile cases, we do have an intervening
22 body with the probation department which screens all
23 the cases before they are referred to us, unlike any
24 adult court where it comes directly from the
25 investigating agency, the police department right

1 through the DA's office.

2 HON. LYTLE: You quite correctly noted
3 that one of the values of this type of prosecution
4 and these types of laws is to send a message to the
5 general community that the government will punish
6 this type of activity.

7 In line with that, let me ask you
8 something that may seem unrelated to this issue of
9 the prosecution of hate crimes. What is the makeup
10 of your office in terms of minority prosecutors, and
11 what is the makeup of the law enforcement agencies
12 with whom you work in terms of minority
13 representation? Because that sends a message to the
14 community.

15 Moreover, the training which these people
16 must receive is training in the area of human hate
17 based on race, ethnicity, etcetera. So there is a
18 direct relationship between the affirmative action
19 profiles, the various agencies with whom your office
20 works and the success of this kind of prosecution.

21 MR. WADDELL: All of that is true. As far
22 as how many prosecutors of a particular race are in
23 our office, I don't have these figures right off the
24 top of my head. I have several black, several more
25 Asian lawyers in the office.

1 We don't assign cases like that to
2 minority prosecutors for that particular reason. We
3 don't pick them out and say, "This is a hate violence
4 crime against blacks and you are black so you handle
5 it." I don't think that's a good idea. We don't use
6 them in that way.

7 But in terms of our office, I mean we
8 are -- we're working with our affirmative action
9 officer, as far as I know, to achieve the mandated
10 standards. As far as the police departments are
11 concerned, you'd have to check with them.

12 I know that, for instance, Richmond Police
13 Department, which we work with a lot, has a
14 substantial minority force, population. Some other
15 departments such as Pittsburg perhaps have more
16 Hispanic officers. Other departments such as Walnut
17 Creek do not have a high proportion of minority
18 personnel. It varies substantially within the
19 departments and the area in Contra Costa County that
20 you're talking about.

21 As you know, it's a rather diverse
22 community, both economically and ethnically. That
23 doesn't answer your question, I guess, but we've --
24 we feel that the program that we have works well
25 within our office.

1 HON. LYTLE: I have one more question.

2 Typically, in my jurisdiction, many
3 misdemeanor offenders are placed on probation and
4 although we don't always seek probation for the
5 particularly high visibility offenses, or offenses
6 that the district attorney considers very important,
7 we'll seek probation reports. In these kinds of
8 offenses, the probation department would be key with
9 respect to the sentencing. And on the one hand, a
10 very light sentence would be counterproductive, and
11 on the other hand a disproportionately severe
12 sentence might be equally counterproductive.

13 Moreover, building on David Kassoy's
14 point, the juvenile is a particularly difficult
15 situation, not necessarily the juvenile in terms of
16 juvenile law, the young offender who is treated as an
17 adult -- have there been any training programs that
18 you're aware of for the probation department to
19 assist them in making reports that are of maximum
20 utility to the judges who must sentence?

21 MR. WADDELL: I'm not aware of any
22 specific training program the probation department
23 has had on this particular issue. That doesn't mean
24 it doesn't exist.

25 The one good thing about vertical

1 prosecution that I talked about, is it allows the
2 attorney to get involved more intimately with the
3 probation department and the victim, even personal
4 visits to probation officers, rather than discussions
5 over the phone or no input at all, which happens in
6 many cases. So this approach does allow us to do
7 more in terms of having our input to the probation
8 department for sentencing purposes.

9 But as to whether or not they have
10 received any particular training at this point in
11 time, I can't honestly tell you.

12 HON. LYTLE: I would suggest it might be a
13 good idea to assist your office.

14 MR. WADDELL: I think you're certainly
15 right.

16 MR. VINCENT HARVIER: This is Vincent
17 Harvier. I was interested in the comment you made
18 during your presentation about the prosecutor process
19 before it gets to that point where some of these
20 cases are being filed, you made the statement --
21 something to the effect, that a determination has
22 been made as to the spontaneous act --

23 MR. WADDELL: Well, let me give you an
24 example. We had not too long ago the case involving
25 a history of disputes between neighbors. I mentioned

1 arguing over a barking dog, over encroachment on the
2 property, things that neighbors get into.

3 In one case, the thing that precipitated
4 this particular incident, the victim's wife, I guess,
5 came over and was talking to the defendant's wife.
6 And they got into an argument and there was a bunch
7 of name-calling that didn't have anything to do with
8 racial slurs but, you know, talk about the past
9 history of problems they had like kids coming on the
10 property and the dog's going on the other person's
11 property, all those type of things. And it ended up
12 in a name-calling thing and escalated into an issue
13 where there was racial slurs.

14 Now, I guess, what we have to ask is are
15 the racial slurs -- was this remark made because they
16 were bigoted or because they were stirred up over
17 these underlying issues that had been festering for
18 some time. And if you have to prove beyond a
19 reasonable doubt that the crime was based on bigotry
20 rather than something else like the dog pooping on
21 the other one's yard, that becomes another issue,
22 trying to get into the criminal arena.

23 I don't know whether that explains it or
24 not. Those are the types of problems we see.

25 MS. YU: One more question, sir. Has your

1 office approached or has it considered approaching
2 the California District Attorney's Association with
3 regard to publicizing this kind of protocol, if you
4 feel generally it has been successful or favorable.
5 Has there been some thought to extending it to beyond
6 your office?

7 MR. WADDELL: Yes. As a matter of fact,
8 we have appeared before the California District
9 Attorney's Association last year at the convention,
10 and presented this at one of the workshops.

11 MS. YU: Do you know of any other counties
12 who have implemented this idea?

13 MR. WADDELL: Not right offhand. I'm sure
14 there are some. This is not particularly unique in
15 terms of the mode of prosecution. What is unique is
16 the adaptment of this particular issue.

17 MS. YU: No, that is what I meant.

18 MR. WADDELL: But I am not aware of any
19 local county that's doing it quite the same way as we
20 are.

21 MS. MERCADO: Diane, this was the training
22 that I mentioned earlier, and we really are grateful
23 to have Jack's input and assistance with that as well
24 as the Fair Employment and Housing Commission's
25 resources for us. So we are continuing to work on

1 that training.

2 MONSIGNOR BARRY: Thank you so much, Jack.
3 It's encouraging to see work like that being done.

4 Now let's take some time to take a quick
5 break and stretch.

6 (A short break was taken.)

7 CHIEF GEORGE STRAKA: Thank you. Good
8 morning ladies and gentlemen of the Commission. I'll
9 try to speak quickly.

10 I'm here to share my department's
11 experience on collecting data on racial, religious,
12 ethnic and sexual orientation crimes motivated by
13 hatred or prejudice.

14 I will also briefly discuss problems or
15 limitations that we experienced during implementation
16 and maintenance of our program, and I will be sending
17 a more detailed report to the commission which will
18 focus on any questions you may have.

19 In July, 1986 we established a formal
20 policy and procedure for handling hate crimes,
21 hereafter referred to as RRE's. Prior to that time,
22 we were operating under a directive from my office
23 which was not as structured.

24 In a nutshell, I will tell you that we
25 basically modified protocol which your commission

1 recommended to the Attorney General in April of 1986.

2 At its inception, we defined hate crimes
3 with a liberal interpretation. I always say if it
4 has webbed feet, feathers, swims and quacks like a
5 duck, it's a duck. And that's basically the standard
6 we are using. We decided to document any incident
7 which had racial, religious, or ethnic overtones.

8 At the initial part we did not focus on
9 sexual orientation incidents. Our process places the
10 highest priority response to calls of this nature. A
11 police officer is detailed at the scene. A
12 supervisor also responds. A field investigation must
13 be conducted immediately and that means contacting as
14 many witnesses, or what have you. We treat it almost
15 like a felony crime.

16 The watch commander is notified and
17 reports must be completed prior to the officer's
18 closing his tour of duty. The watch commander
19 ensures that the patrol is maintained in the area for
20 as long as necessary, usually with a minimum standard
21 of three days, but as long as necessary thereafter.

22 If the crime is serious, the watch
23 commander must report to the scene and he must notify
24 me. In less serious offenses, the watch commander
25 ensures the uniformed division and investigation

1 division commanders are notified by computer mail for
2 the next working day.

3 The investigation division commander is
4 then responsible for immediate follow-up and
5 coordination of interdepartment and outside agencies.
6 He maintains a cross-reference file for tracking
7 purposes and analyses of trends. He maintains
8 contact with appropriate review authorities and
9 community leaders regarding the status of the
10 investigation. He ensures also that any writings or
11 symbols related to the incident are removed from
12 public property and he encourages private property
13 owners to do the same.

14 For those unable to do so, a community
15 relations unit will follow up. The crime prevention
16 community relations unit performs all public
17 investigations on noncriminal incidents motivated by
18 hate. This unit holds public meetings to allay
19 neighborhood fears, works directly with spokespersons
20 for advocacy groups, and assists victims and
21 participates in prevention program development.

22 The unit also advises victims of the
23 recourse provided by the Ralph Civil Rights Act. As
24 an example, the development of Training Sergeant Al
25 Freed (phonetic) has worked that unit, has worked

1 with our personnel office to ensure that we had
2 training, cultural awareness training for all city
3 employees and that's ongoing even today.

4 He works with the schools to notify them
5 of any incidents and any resources they may have to
6 follow. And he works with the Human Relations
7 Commission of our city. Our training unit,
8 internally, helps cultural relations training
9 programs for all our officers. He prepares
10 appropriate training bulletins, assists field
11 training officers with recruiting, training, and
12 verifies that the training is reflective of the
13 changes in our community, and in society overall.

14 There were some initial problems. Some
15 officers were concerned that we were providing a
16 higher level of service in what could be perceived as
17 minor incidents than that provided to the community
18 as a whole. Priority One response to all calls at
19 inception created a dilemma for us, and the conflict
20 was when serious crimes of violence were occurring
21 and our officers were tied up with nonlife-
22 threatening racial, religious, or ethnic incidents.

23 As a result, in March of 1988 we reviewed
24 our policy and we modified it slightly in that we now
25 define hate crimes and hate incidents. An incident

1 was reduced to a Priority Two response, which simply
2 means in your normal schedule of calls cued up that
3 you'd respond as you would to any misdemeanor,
4 nonlife-threatening crime.

5 The watch commander was also given
6 discretionary authority to permit a late-reported
7 incident to be reported by phone in lieu of officer
8 response and then the response was followed by -- on
9 the next working day -- by the Community Relations
10 Unit. We also included sexual orientation crimes at
11 that time to our policy. That decision significantly
12 reduced some of the conflict we had been experiencing
13 at the time.

14 I will be leaving a copy of our policy and
15 training program with your staffers. We believe it's
16 workable, but you should know in using it, it is
17 extremely labor intensive. Most law enforcement
18 agencies without staff augmentation, as is the case
19 in most of our jurisdictions today, will be required
20 to deprioritize other work.

21 I think it's essential to provide in-
22 service training to all personnel, either prior to or
23 in conjunction with implementation of such a policy.

24 Ideally, it should be accompanied by
25 cultural awareness training and this, too, poses some

1 difficulty. Because there isn't that much available
2 and what is there should focus on the needs of the
3 individual community.

4 And in that respect, I have some concerns
5 because there is a tendency in California that every
6 time we get involved in a particular problem, that we
7 mandate training. And in mandating training, you
8 sometimes cause a resistance.

9 I think it would be best to develop
10 training, a variable number of trainings so that law
11 enforcement agencies could pick and choose to that
12 level of training that effects their community and
13 it's compensation.

14 Since 1986 and through September, 1989,
15 using our extremely liberal standard, we have had 288
16 incidences of this nature in our city, and one would
17 say that that is alarming. But that's what you're
18 going to see, at least from my perspective.

19 In 1986, a year we saw some racial
20 conflict in our community, 120 incidents were
21 reported. Since that time, these reports have
22 declined approximately 20 percent per annum, so that
23 this year we will be seeing 50 to 60 incidents of
24 this nature.

25 Of those incidents reported to us, 73

1 percent involved criminal acts. The majority of the
2 criminal acts were in the disturbance categories, 99
3 or 47 percent. The disturbance category included
4 racial slurs which could incite violence. And
5 usually if there is a slur involved, our officers
6 will take that as a 415, which is a basic disturbance
7 classification.

8 We experienced 20 felonious assaults and
9 43 misdemeanor assaults in those three years. During
10 that time frame we arrested or cited 46 persons for
11 involvement in some type of RRE incident. These
12 numbers included assaults and RRE incidents. These
13 numbers include adults and minors. Twenty percent,
14 or nine of the offenders were minors.

15 Similar to what Jack Waddell said from the
16 DA's office, some of these arrests involved other
17 types of crimes. We're using a standard that if we
18 have an incident that has a racial overtone or slurs,
19 and we could make an individual for another type of
20 crime, not necessarily racial hatred crime, we will
21 arrest for that type of crime so those folks are
22 entered into the system. We will make a follow-up
23 with the DA's office to try to make sure there is a
24 priority placed on this type of incident.

25 After three years this policy and

1 implementation is accepted in our department. It's
2 emphasized by both the department and our personnel.
3 There is an occasional gripe particularly when
4 overall service demands overwhelm our response
5 capabilities.

6 More significantly, however, there is a
7 higher level of sensitivity on the part of our
8 officers to the impact of victims as the result of
9 hate crimes and incidents.

10 I also believe from my own experience and
11 that of the officers that are dealing with our
12 minority communities that trust has increased. I can
13 cite you examples where our officers have arrived at
14 the scene and the minority person has said that I am
15 glad the police are here. They're the only non-
16 prejudicial people here. We have also been able to
17 identify areas where numbers of incidents related to
18 me for intervention by the Human Relations
19 Commission, or the need for public education.

20 As these policies are implemented
21 throughout the state, the key component from my
22 perspective rests upon the chief of the top
23 administration of the department. There must be a
24 commitment to enforce the policy with adequate and
25 appropriate review. That message then spreads

1 through the department and it becomes an
2 organizational value.

3 That's my presentation, I will be glad to
4 entertain any questions.

5 MONSIGNOR BARRY: Thank you.
6 Congratulations on a really good program. Very
7 thorough. Any specific questions?

8 HON. RODRIGUEZ: I have one. Where we
9 have law enforcement chiefs of sheriffs, or chiefs of
10 police, how do we get that commitment from them where
11 it's nonexistent?

12 CHIEF STRAKA: I think it's going to
13 happen, at least in your county, and Mr. Waddell has
14 talked about that. I believe we were the first
15 agency in the county that created an official policy
16 in dealing with the -- my peers, the county chiefs'
17 group has sheriffs participate and the district
18 attorney participates. I talked about some of the
19 positive results that come out of it. I'm not going
20 to be naive and suggest that some police agencies are
21 not overwhelmed by the crime problems of their
22 community, and can't take as broad an approach as we
23 have.

24 But following that, some agencies very
25 quietly developed their own policies and as they came

1 on board there was a reaffirmation, if you will, that
2 this works and it creates a more positive atmosphere
3 with the minority and victimized communities. And as
4 a result of that, there's been support from some of
5 the communities that have a high minority population.

6 One can say we are basically in a white
7 community, 85 to 86 percent of our population is
8 white. So we are not going -- maybe we'll have more.
9 I can't tell for certain. This type of tracking will
10 tell, but these communities, there are some
11 communities that have established this policy and
12 they are seeing positive results. I think that's
13 what's going to cause police agencies to follow.

14 MS. YU: Chief, to what do you attribute
15 the decline that you mentioned over the last three
16 years?

17 CHIEF STRAKA: It's hard to say. One
18 could say well we're more sensitive. It could also
19 be that in 1986 there was a lot of publicity in our
20 community over a couple of incidents and people in
21 our community were very sensitive.

22 There could be a natural transition where
23 we're seeing less. It could also be that there are
24 good things working that are in the community. We
25 have a very active Human Relations Commission. We

1 meet with the police departments perspective
2 routinely. We meet with our minority groups annually
3 to bring them all together and talk about what we're
4 doing and any concerns they have. Who is to say? I
5 don't have any statistical evaluation why we have
6 less.

7 MONSIGNOR BARRY: It does show, however, a
8 real good intercommunication between yourself and the
9 rest of the community. It might even be considered
10 as kind of a model that other communities can look at
11 and see.

12 CHIEF STRAKA: I think we were one of the
13 first. Marty would know. I think we served as a
14 model, there certainly was very pointed discussion in
15 your county.

16 HON. LYTTLE: Just a quick question, excuse
17 me for coming in late. You might have covered this,
18 but are you satisfied with the representation within
19 your agency of minorities?

20 CHIEF STRAKA: No, and we continually work
21 forward to increase them. We have had some very
22 positive results in that, in our academy class. I
23 have six officers, a very small amount for our
24 department. Fifty percent of them are minorities.
25 We have had a significant increase in the number of

1 women officers in our department in the last three to
2 five years.

3 Minority personnel, we actively seek them.
4 We still do not reflect a total composition, but
5 these are our priorities in the academies.

6 MR. CARL LINDSTROM: I have a question
7 regarding gang activities in Santa Clara County. For
8 example, there is a great concern with the growing
9 number of so-called gangs that are in the area, and
10 what that tends to mean -- I don't know what the
11 definition of "gang" is, but I am just curious as to
12 what kind of training you have with your officers
13 toward that. The reason is anytime that more than
14 two people, especially minorities, seem to congregate
15 together, it is deemed to be some sort of gang-type
16 activity.

17 CHIEF STRAKA: We've had gang training in
18 our department. That's not our interpretation of
19 what a gang is. Basically, we have to have evidence
20 that the member is involved in criminal activities.
21 We have to have evidence that while he was involved
22 in that criminal activity, he was wearing either
23 colors or indicators that he was a gang member, that
24 his criminal activity was for the purpose of
25 enhancing the image of his group or gang that he was

1 in, or that he was gaining status as a result of his
2 act. Beyond that, we have the term "wannabees" which
3 are folks that hang around. We are required to have
4 at least two separate verifications that this
5 individual is part of this group. That doesn't say
6 he was necessarily a gang member. We have a long
7 training process and evaluation before we say someone
8 is a gang member.

9 We do have some gangs in our community.
10 We are not saying "Bloods" or "Crips," although we
11 have seen one or two. But we do have some small
12 groups that are under gang classification.

13 MONSIGNOR BARRY: Thank you. Let me do
14 two things. This is Carl Lindstrom, representing the
15 Asian-Pacific Islander Committee on Justice, and
16 also, Carl, we cannot get into the gang issue because
17 that is not the focus of this hearing. And if we do,
18 we'll destroy the entire day.

19 MR. KASSOY: What do you regard as perhaps
20 the biggest obstacle in the successful implementation
21 of your program? And where would you want -- if you
22 had a wish list, what would be the priority item that
23 you would ask for to assist you in making that
24 program more successful?

25 CHIEF STRAKA: I think it is successful.

1 I would re-emphasize what I said at the beginning.
2 Maybe it was successful in our community because we
3 had an absolute need for it, and everything came
4 together at the right time. But I think to make it
5 successful, you have to have a training program that
6 really gets to the need of the issue of how an
7 incident like this effects a person who is a victim.

8 We were fortunate because we had some
9 racial problems that were occurring. The United
10 States Department of Justice came forward, and not
11 only our community came forward, and not only was our
12 cultural awareness training program put on by members
13 of our own community who reflected their own
14 experiences and were living there. And that was the
15 preliminary program. It was eight hours for every
16 employee of our department.

17 But secondarily, the Department of Justice
18 brought in folks from all over the United States. A
19 sergeant who supervised was in Boston, Massachusetts'
20 Hate Crime Task Force. And we sent our managers to
21 that training program, as well as managers from every
22 agency in our county, and that brought it right to
23 the need of the issue of managers. And so you then
24 have to make sure that people are reviewing these
25 types of incidents and making sure that the "T's" are

1 crossed and the "I's" are dotted, and that comes from
2 the top of the administration.

3 Certainly, there are things that will
4 enhance that, but it's like having a good garden.
5 You have to keep re-weeding it.

6 MONSIGNOR BARRY: Thank you, Chief, thanks
7 ever so much.

8 DR. HAZEL HAWKINS-RUSSELL: I have a
9 question. I am Hazel Hawkins-Russell, Commissioner.
10 Have you had a problem of young white hate groups in
11 your community? If so, how do you deal with that
12 kind of problem?

13 CHIEF STRAKA: Young white hate groups --
14 yes, we have some. Five skinheads especially.
15 They're a gang, some of them are a gang, and we
16 monitor them just like we do other gangs. We've had
17 some involving an incident of this nature, some were
18 juveniles. We made personal contact with the
19 juvenile probation officer, and I think they received
20 a high priority in the system, also. One, I believe,
21 went to the Youth Authority, and the other one went
22 to the Ranch -- that's pretty severe in our county.

23 We deal with that in the same way we deal
24 with any gang. When there is a racially motivated
25 crime, they get the higher treatment.

1 MONSIGNOR BARRY: Thank you, Chief. We do
2 have -- we had planned to have Ms. Quarles here, who
3 was a victim of a crime in San Leandro, and she is
4 unable to come. We have two Contra Costa victims --
5 Miss Taw and Miss Awl, and their attorney. We'd like
6 to have them give a presentation at this point, so we
7 can get some input from the victims.

8 Miss Taw first, please.

9 MS. ANNETTE TAW: Thank you. I want to
10 take this opportunity to thank you for letting me
11 speak before you. My name is Annette Taw, and I have
12 lived in the Lafayette area for 20 years. I have
13 three children, Kerry (phonetic), Lynette (phonetic),
14 and Brent.

15 My subject is the racial discrimination,
16 the reaction from the school and the police
17 department. Through the years in the school
18 district, it's always been little petty things
19 against the children. Lynette, during grammar
20 school, was teased about being Chinese, having slanty
21 eyes and her shoulders slanting forward. And Kerry
22 was always teased that little Chinese don't grow any
23 taller than that. And Brent wasn't picked for his
24 sports because he wasn't tall enough.

25 It was always little things. I felt

1 helpless of defending myself. I was always brought
2 up not to look at people by color or their height or
3 anything, just what they are inside. And my children
4 were brought up the same way.

5 I have one other example of just another
6 petty thing that the school reacted to. It was
7 during Lynette's Senior Night. She was asked if she
8 was on the proper bus, and she said, "Yes, I am."
9 And the lady goes, "Are you sure you're not supposed
10 to be on the bus that takes you back to China, where
11 you came from?" And this is an adult.

12 I reported this incident to the Board of
13 Education and the Superintendent. And he said,
14 "Well, it won't happen again." But it did many years
15 later. When Kerry was going through high school, she
16 really didn't suffer as much as Lynette did because
17 there was more of an Asian population in the
18 Lafayette area.

19 I was a single parent and being that, I
20 didn't have a fortune to buy computers for the
21 school, or spend my time there. My children were
22 usually not picked because we didn't have the money,
23 or because we were the wrong color.

24 At the time I reported these incidents the
25 school would say, "They are just children playing,

1 they are just teasing each other. They don't mean
2 any harm." But it did. It made my kids realize that
3 they weren't the same as their peers, yet they had
4 been taught all of their lives that they are the
5 same.

6 Maybe it was my mistake of moving out of
7 the San Francisco area where I was brought up, but I
8 didn't feel we were different.

9 Before Brent's nightmare started, we had
10 little incidents even through the church. He was in
11 Catholic school and because he was in the wrong place
12 at the wrong time, and made his first friend at the
13 school who happened to be Hispanic, who also happened
14 to have a reputation of being a bad boy, but he was
15 the only one who spoke to Brent because he was a
16 minority.

17 The nun even said, "Brent doesn't belong
18 in this school because he's bad." That was only the
19 first week and only because he was with a person with
20 a bad reputation. He was not a bad boy, he had
21 manners, he behaved very well in my home. I still
22 felt I needed to do something, but I didn't know
23 where to go because I was taught don't make waves, it
24 will only make it worse.

25 And I was also told I was outspoken for my

1 generation. Even in grammar school, Brent was always
2 picked on, he was searched after school because
3 someone said that he had fireworks. He happened to
4 be going to a friend's house that day, so he had a
5 little cap pistol and he did have firecrackers. The
6 fireworks the teacher was talking about are the ones
7 you buy for the Fourth of July. The ones that my son
8 had were the old Chinese firecrackers that I've had
9 for years. He was taking them to his friend's house
10 because it was very different for him.

11 He was suspended from school for having
12 firecrackers in his backpack, but no other backpack
13 was searched but my son's. I told the principal, I
14 said, "Why him?" And she said, "Because only you
15 people have things like this, only you people sell
16 firecrackers." I was thankful that that was my last
17 one out of the grammar school. Starting with his
18 suspension there, it just seemed like he was always
19 in the wrong place at the wrong time, or with the
20 wrong people.

21 And I've spoken with the principal saying,
22 "No, you can't be this discriminating against one,
23 when you have a school full of different
24 nationalities." But to her it was "you people" that
25 had firecrackers.

1 The Board of Education was not responsive
2 at all. They said, "This is only one incident."
3 This was not the first, but it was the first time I
4 spoke out.

5 Getting to the incident that really
6 brought me here, was in November of 1987. My son was
7 attacked at school by this boy who confronted him on
8 a CD that belonged to Brent, but was not returned to
9 him from his girlfriend. He went to the Acalanes
10 High School, used his car and hit Brent's car, and
11 came out, took him out of the car and started
12 slugging him. Brent, in order not to start anything
13 more than it was, he took his sweater or something
14 and covered up his head so the boy was swinging in
15 the air.

16 He reported this to the police because he
17 was not an Acalanes student. The principal said it
18 was two boys fighting, but our car was damaged and
19 Brent was hurt from the assault. So I was told if I
20 wanted to press charges to wait a couple of days for
21 the report.

22 I called for the report, and each time I
23 called, it was not there. Four days later it was
24 still not there. That Sunday night when everything
25 happened, I received two phone calls about 11:00,

1 11:30 at night, asking me am I Brent Taw's mother,
2 and is there where Brent Taw lives. And I said, "Who
3 do you wish to speak to?" The dog started barking 15
4 minutes after that phone call. I did not pay
5 attention, thinking it was an animal. I did not pay
6 attention to hearing the car door slam. I didn't pay
7 attention to the noises I rarely hear because it's a
8 private street.

9 The next morning I felt something was
10 wrong. I said, "Please check the house outside." So
11 my other half, Simon, did go out and he checked and
12 we found red paint saying "Gook" all over the front
13 yard. On my driveway it said, "Don't press charges
14 or die." And on our brand new truck, "Gook" in red
15 paint.

16 The thing that scared me the most was not
17 that the family had been attacked, but the truck they
18 happened to write the word "Gook" on belongs to
19 Simon, who is a Vietnam Vet, who has come to still
20 struggle with his Vietnam syndrome of knowing
21 someone's calling him a "gook." I was more afraid of
22 that than for my own children, and yet I was afraid
23 to let my children out of sight, thinking someone's
24 going to hurt them.

25 Later that day, I found out it was all

1 over the high school, it was all over Lafayette. The
2 town's utility boxes -- we had our name "Taw" written
3 all over. We had it on Jack In The Box -- it said,
4 "No charges, or die Taw." It was on the gas stations
5 that said, "Die Taw." Yet the police reaction was we
6 can't prove who did it. There was only one person
7 that was scared that charges would be pending on him,
8 but they said I didn't see it, and I couldn't prove
9 it, and I felt very helpless. But for once, I said I
10 am going to do something because I don't want my
11 children or grandchildren to ever go through this
12 again.

13 I called the Asian law office and Michael
14 Wong for my attorney. And I called Henry Dear
15 (phonetic), from the Chinese Affirmative Action
16 Board, asking what can I do. Without these two, I
17 could not have gotten as far as I did, because the
18 Acalanes School District said there was no racial
19 discrimination, there was nothing wrong.

20 They had the graffiti painted over from
21 the school even before we could get there to take
22 pictures. I asked why and they said they didn't want
23 to hurt the other children, they didn't want to upset
24 their children. If they didn't want to upset the
25 other children, then why was there no pictures.

1 Henry Dear and I spoke to the principal
2 for many, many meetings, and finally I think it was
3 about three or four months later he admitted there is
4 some racial discrimination here, and the children
5 need to be taught.

6 We spoke to the Lafayette Police, and all
7 they did was harass Brent instead of following up on
8 the leads of who that person may be. They kept an
9 eye on him in school. They watched him wherever he
10 drove. He got stopped for a bald tire. He got
11 stopped for his little registration date being turned
12 upside down. He was accused of stealing a fireman's
13 wrench. He was accused of taking a \$2,000 bike. He
14 was read his rights in front of my house and I was
15 told that I need not be present.

16 I finally asked all the questions and it
17 seemed like whatever Brent's answer, it was the
18 answer to his question. With Henry Dear's help I
19 found out Station Nine was in Hunter's Point in San
20 Francisco. My son would not have survived in that
21 community. He doesn't even know where it is, but
22 he's not a street person. He hasn't been out of
23 Lafayette all his life.

24 I think he though he was white until this
25 happened. This has devastated our family. My son

1 did not finish school, and he is trying to find his
2 way. I tried to tell him, "You are just as good as
3 they are, or even better." We have our culture, we
4 are just as good as anyone else is. This should not
5 go on with anyone, whether we're white, yellow,
6 purple or pink. But the police did not react to it,
7 but I can tell you, if the shoe was on the other
8 foot, my son would have been hung to the nearest
9 tree.

10 I felt there was -- they were right behind
11 him. They never left him alone. He was stopped from
12 walking home from BART, saying that he had robbed
13 this gas station because his tennis shoe had the same
14 print that was found at the scene of the crime. I
15 didn't, I don't know what anyone can do or what my
16 reaction to the police department or the school
17 district is. I am just thankful I have no other
18 children to be attending the schools there, and I am
19 thankful that my granddaughter is moving out of
20 California.

21 But the police department, now that I've
22 taken Brent's car away -- he's on foot. I felt he
23 couldn't get into any more trouble, but the police
24 department did not help me in the sense they could
25 have. I still feel if the shoe was on the other

1 foot, it would have happened differently.

2 MONSIGNOR BARRY: This is Mrs. Awl.

3 MRS. DEBORAH AWL: My name is Deborah Awl,
4 and in April of 1989 my husband and two daughters
5 moved to Pittsburg, California. The first week we
6 were there, we received racial harassment.

7 First, it started with the men calling,
8 and we didn't think anything of it. And then it led
9 to dogs chasing my daughter and myself, all types of
10 verbal abuse. Excuse me.

11 MS. MERCADO: Lola, get her some water,
12 please. Take your time.

13 MRS. AWL: Several things happened. I
14 don't really want to go into them, into details, but
15 I can tell you that this has really changed our
16 lives, especially my daughter, who is six years old.

17 I don't allow her to go outside in front
18 and play, and we've moved from that particular area
19 from where we were living. We are still in the
20 Pittsburg area now.

21 The other evening there was a knock at the
22 door, a newspaper banged on the door and my daughter
23 hit the floor. And the reason I am saying this is
24 because one of the incidents that happened, the
25 person who did this came to our door one day and

1 drove his truck across the lawn. And he backed up to
2 the door threatening to kill us and from there on she
3 has been afraid and we've all been afraid.

4 I don't know what can be done, but I pray
5 that there is something that can be done so this
6 won't happen to anyone else. I am really hurt
7 because of the way I was raised, it was not to look
8 at a person's skin color. You say, "Oh, I'm white,
9 oh, I don't like you because you have slanted eyes,
10 or because your eyes are blue." I take the person
11 for what they are on the inside and I don't judge a
12 book by its cover. And that is the way I am raising
13 my two daughters.

14 Even though we have been through this, I
15 still tell Victoria don't judge a book by its cover.
16 And she has many questions, questions that I cannot
17 answer -- some that I can. She is truly a fantastic
18 child, she's very strong, but she also is emotionally
19 disturbed by what has happened to us.

20 I'd like to thank the Pittsburg police
21 though, for being so helpful to us. They responded
22 quickly and they gave us support, and I'm thankful
23 for that. Like I said, I don't want to go into
24 details as to everything that has happened, just know
25 that it was bad and I pray that no one else has to go

1 through this.

2 MONSIGNOR BARRY: Thank you for your
3 courage to come forward and give us the testimony
4 here. It's far more significant that may meet the
5 eye. Thank you very much.

6 HON. LYTLE: Mrs. Awl, I can appreciate
7 how painful it would be to go into detail in this
8 setting. Would you be willing to put it into
9 writing?

10 MRS. AWL'S ATTORNEY: We have filed a
11 civil suit on behalf of Mr. and Mrs. Awl, and their
12 daughter, by the way, against the two defendants who
13 incidentally were brothers -- are brothers. I think
14 that you've heard first from Mr. Waddell about
15 certain things that can be done.

16 There is a third leg to the opportunity to
17 address these wrongs, and that is to arrive at a
18 civil suit. You might be interested to know that the
19 civil suit not only involves the people that
20 perpetrate, but anybody who incites this sort of act
21 we have discussed this morning. In addition, the law
22 provides that the plaintiff may recover attorney's
23 fees from the defendant, may recover actual damages,
24 may recover a civil penalty of \$10,000, and a form of
25 punitive damages which is approximately three times

1 the amount of actual damages.

2 In this case, to show how tangential
3 someone can be involved, the brother who is involved
4 simply made a phone call to the landlord hoping to
5 dissuade the landlord from renting to my clients, and
6 in that call made certain racial threats.

7 Under 51.7 of the Civil Code, anybody who
8 simply incites is liable to the same effect as
9 somebody who actually does the acts that were
10 perpetrated against the Awls, as well as other people
11 you've heard this morning.

12 I want to assure the commission that there
13 are opportunities for people to seek civil recourse
14 in addition to getting some communitywide relief from
15 the various other organizations, such as the District
16 Attorney. And I want to thank you for the
17 opportunity to speak this morning. If you have any
18 questions, I'd be happy to address them.

19 MS. YU: Diane Yu, just wanted, couldn't
20 resist saying that this commission is very pleased to
21 hear that you are using the civil remedies put into
22 the legislation. We are very pleased to see you in
23 action.

24 MRS. AWL'S ATTORNEY: I must say in
25 response that we are very pleased with the scope of

1 the legislation. It's given us good tools to work
2 with, and I would say to anybody in the audience, or
3 anyone who comes before the commission, you ought to
4 be induced to seek that remedy. Another thing I
5 think is important is I think that remedy would be
6 educational once these defendants are brought into
7 the civil process, which is much different from the
8 criminal process.

9 They're going to get an opportunity to
10 have some reflection about what they have done, and
11 what the effect is on the plaintiffs. After all,
12 when you hit and run by -- in effect, by painting
13 things on people's doors and cars, and leaving, you
14 don't see the effect on them. You don't find out
15 what the effect is. You know what the intent of the
16 effect is, but you don't find out.

17 If you sit down and confront these people
18 in deposition or other areas, these defendants may
19 very well become educated as well as having the
20 recovery for your clients. So, I don't want to
21 neglect the educational force that these laws have in
22 the proper light.

23 MONSIGNOR BARRY: Thank you very much.

24 HON. LYTLE: Following up on your point
25 regarding education, both the Bar of this state and

1 the Judiciary of the state have continuing education
2 programs, and it's been my experience that these are
3 kind of low visibility laws right now. And I wonder
4 how much effort is being put into educating the Bar
5 and how much effort you think would be worthwhile in
6 educating the Judiciary to the use of these laws?

7 MRS. AWL'S ATTORNEY: Well, first of all,
8 I think the education must go to the Judiciary,
9 because the Judiciary initiates these laws, decides
10 what comes before that. I can't speak to the amount
11 of incidents, the volume of incidents and to what
12 degree they affect people, so I can't tell you
13 whether this is something that should come to the
14 lawyers as a whole, because this is a good
15 opportunity.

16 We know that, my office has investigated
17 or talked to people in some cases, although the
18 incidents were perhaps racially motivated, they
19 didn't rise to the level of successful prosecution.
20 We feel, of course, otherwise in this case. I'm not
21 sure that's a good answer to your question, perhaps I
22 don't have a good answer.

23 MONSIGNOR BARRY: Thank you again, I
24 appreciate it very much.

25 Next, I am very please that we have

1 Captain Randy Stout of the San Leandro Police
2 Department.

3 CAPTAIN RANDY STOUT: I am Randy Stout of
4 the San Leandro Police Department and I am pleased to
5 be here this morning to present the City of San
6 Leandro's response to the recent cross-burning
7 incident that we had.

8 The Quarles family was the victim of the
9 cross burning that occurred on September 23rd, a
10 Saturday morning. I'll read a very brief synopsis of
11 our city's response and entertain any questions that
12 you may have.

13 Approximately two and one-half days after
14 this crime occurred, our investigators had completed
15 a preliminary investigation. Evidence was minimal
16 and there were apparently no witnesses.

17 Mayor David Karp and the City Manager Dick
18 Randall had been kept informed of the progress of our
19 investigation. The Mayor proposed the offering of a
20 reward to be presented by the City Council. This was
21 encouraged and the San Leandro City Council passed a
22 resolution announcing a \$5000 reward for information
23 leading to the arrest and conviction of the
24 perpetrators of this cross burning. The following
25 day, at the urging of Supervisor Mary King, the

1 Alameda County Board of Supervisors offered a reward
2 matching San Leandro's.

3 Meanwhile, our investigators were
4 contacted by two citizens who had knowledge of the
5 primary suspect. These were coworkers. These
6 citizens then worked closely with our investigators,
7 presenting sufficient evidence for an arrest warrant.

8 Subsequent to the suspect's arrest on
9 Wednesday, September 27, the Mayor and the police
10 chief conducted a press conference. Mayor Karp
11 repeated his concern for the victims of this crime,
12 who incidentally we had been in contact with
13 frequently over the three days. He also reflected
14 the outrage of the whole city of San Leandro.

15 Three other men were implicated in this
16 case. They have been identified and contacted by our
17 investigators. However, at this time, as of today,
18 Friday, there is insufficient evidence for their
19 arrest. The case remains open and the investigation
20 continues. We have continued communicating with the
21 victims.

22 From my perspective the timely arrest of
23 the primary suspect in this case resulted from three
24 factors. First, the allocation of sufficient police
25 staff to the investigation -- that is the

1 prioritization of this case.

2 Second, the full involvement of San
3 Leandro's elected officials -- the ones I felt were
4 important. And third, the widespread coverage given
5 to this case by the media.

6 Now in terms of legal police department
7 recommendations for the commission's subsequent
8 report here, I would say that there are two things
9 that I think are very important from a patrol
10 officer's perspective in this case. The first is
11 updating legal training that would assist the
12 officers in developing these types of cases,
13 specifically, training and review of civil rights
14 laws currently available. This is very important.
15 This can be accomplished easily, at least in Alameda
16 County, with a law enforcement legal update training
17 video unit that's overseen and run by Don Ingraham of
18 the Alameda County District Attorney's office.

19 He produces a series of tapes that are
20 seen on a weekly basis by all of our officers, and
21 they are an excellent production. Additionally, a
22 block of instructions on civil rights enforcement
23 should be included in all academies.

24 That's a brief synopsis of that case, and
25 the city's response. I would be glad to answer any

1 questions.

2 MONSIGNOR BARRY: And you do have reports?

3 CAPT. STOUT: Yes, I do. Thank you.

4 MONSIGNOR BARRY: Thanks ever so much, and
5 I think we'll take a little stretch now.

6 (A short recess was taken)

7 MONSIGNOR BARRY: We have one more victim,
8 and that is Aga Saeed. Ms. Aga Saeed, please?

9 (No response)

10 Well, we'll go on now to the San Francisco
11 Human Rights Commission, with Peter Jamero.

12 PETER JAMERO: Good morning, Monsignor
13 Barry and members of the Commission. I am Peter
14 Jamero, Executive Director of the San Francisco Human
15 Rights Commission. I want to begin by thanking you
16 for your invitation to speak to you on the issue of
17 hate violence. We commend you for calling this
18 public hearing. It is timely, it is relevant to the
19 times in which we live in this great country of ours.

20 The San Francisco Human Rights Commission
21 recently celebrated its 25th anniversary, making it
22 one of the oldest human rights commissions in the
23 State of California. When the commission was
24 created, it's primary focus was on educating the
25 public, defusing community tensions and studying

1 constitutional forms of discrimination,
2 particularly, in education and employment. As the
3 Commission matured, and analysis of the problems
4 became more sophisticated, the work of the Commission
5 shifted heavily toward employment development,
6 particularly with companies who received public
7 contracts and especially toward the development of
8 minority and women business programs for the City of
9 San Francisco.

10 Our focus became so fixed on minority and
11 women's business enterprise programs, that when a few
12 years ago we saw the need for a vehicle to provide a
13 response to growing incidents of dispute and violence
14 between the various communities, we had to create a
15 separate nonprofit organization, the Intergroup
16 Clearinghouse.

17 The Clearinghouse consists of
18 representatives from San Francisco's many communities
19 -- racial, ethnic, lesbian and gay, and religious
20 communities -- who provided a forum for individuals
21 and community organizations to discuss problems that
22 had the potential to heighten intergroup tensions.
23 At first, the Clearinghouse had a number of success
24 stories, but over time and for a variety of reasons,
25 primarily financial, the Clearinghouse was never able

1 to fully achieve its potential to respond to the
2 changing nature of hate violence.

3 While the Human Rights Commission may not
4 have devoted as much time or resources to the matter
5 of hate violence in recent years, certainly problems
6 in the City did not stand still. A number of
7 community-based organizations arose out of the
8 increase in criminal and noncriminal acts against
9 persons, based on racial, ethnic, religious, or
10 sexual minorities. For example, the Community United
11 Against Violence was formed to respond to attacks on
12 members of the gay and lesbian community which often
13 were ignored or dismissed outright by the community
14 at large.

15 As the number of attacks -- both verbal
16 and physical -- on Asians increased in recent years,
17 the Break the Silence Coalition against anti-Asian
18 violence was formed to provide information to the
19 public, assistance to victims and to develop a
20 community-based response.

21 The example set by the Anti-Defamation
22 League in the Jewish community also cannot be
23 ignored, because much of the territory of the
24 minorities we're going over today has been previously
25 and effectively charted out by that organization over

1 the years.

2 Also deserving of notice is the work of
3 the Community Services Division of the San Francisco
4 Police Department, which developed the procedure for
5 responding to hate-motivated crimes, and was able to
6 persuade the Chief and the Police Commission to
7 implement that procedure along with training for all
8 of the officers, plus reporting and data collection
9 requirements.

10 However, even as the City responded to the
11 problem, or perhaps because of that response, the
12 number of such incidents and attacks seemed to
13 increase. Perhaps it was a result of greater
14 awareness or perhaps the result of greater
15 integration and interaction among peoples. Whatever,
16 there was an acknowledgement that prejudice-based
17 incidents were increasing and were directed at the
18 City's many diverse minorities including blacks,
19 Arabs, Asians, Jews, Latinos, women, Native
20 Americans, lesbians, the elderly, the disabled, gay
21 men, Moslems and persons with AIDS.

22 My appearance before you today is
23 particularly timely, timely because as a result of
24 the increased awareness of the extent of the problem
25 in San Francisco of hate-motivated violence and its

1 impact on the emotional and psychological well-being
2 of the individual, the family and the community.

3 Mayor Art Agnos and the Board of
4 Supervisors has asked that the Human Rights
5 Commission hold public hearings on the extent and
6 degree of the problem of hate violence in San
7 Francisco, and that we further use such hearings to
8 design and develop a comprehensive plan of response
9 involving both the government and the community.

10 Because we understand how important the
11 community is to any kind of an effective response, we
12 have decided that the hearings should be jointly
13 sponsored by the Human Rights Commission and the
14 Coalition for Civil Rights, an organization
15 consisting of a variety of community-based civil
16 rights organizations, including the NAACP, the Break
17 the Silence Coalition, the Community United Against
18 Violence, National Gay Rights Advocates, and many
19 others.

20 Because we can see how extensive and
21 serious and complex this problem is, we have
22 committed to holding hearings over two days, covering
23 at least eight hours. And because we acknowledge
24 that others, in California and throughout the
25 country, have tried to deal with this problem in

1 their own way, we are looking at and drawing from a
2 variety of existing models in putting together our
3 plan.

4 We do know that our plan must contain the
5 following elements:

6 First, and foremost, a centralized system
7 for data collection that will insure that all such
8 incidents are recorded and analyzed so that
9 responsive programs can be developed.

10 Secondly, a uniform, simple, reliable and
11 effective reporting system which is able to give
12 confidence to the victims and to provide a framework
13 for a suitable response.

14 Third, the committed involvement of the
15 police department in sensitively responding to all
16 hate-motivated incidents as a visible signal to the
17 victim, and the community at large, which sends the
18 clear message that the City has assigned this problem
19 the highest priority.

20 Fourth, the on-going involvement of the
21 school system, from preschool to efforts in the
22 classroom and in the extracurricular activities.
23 This involvement must occur not only through the
24 curriculum, but through the creation of models for
25 resolving disputes within the academic community.

1 Five, The drawing of the communities by
2 being involved in the planning, designing and
3 implementation of the comprehensive program. Hate
4 violence is ultimately a community-based problems and
5 solutions will only be effective to the extent that
6 they have the commitment of the community, whether
7 that is in providing assistance to the victims and
8 their families, or participating in alternative
9 resolution vehicles, such as neighborhood meetings or
10 community boards.

11 We do not believe that creating such a
12 system will be easy. In addition to the constant
13 problem of adequate resources, we are faced with the
14 difficulty of drawing together and coordinating the
15 efforts of very disparate elements, and also imposing
16 a new system to allow structure. Fortunately, we
17 will be able to draw on the experience of our friends
18 throughout the country, including Boston, Baltimore
19 and New York, and of similar models which exist for
20 other problems in California, such as child abuse or
21 the sexual assault of women.

22 Whatever the cost, the City of San
23 Francisco is committed to meeting this challenge
24 because we recognize that the future is indeed upon
25 us, and it is a multicultural, multiethnic, multi-

1 faceted future. And if we are to provide ourselves
2 and our children with a society that is healthy and
3 secure and values the richness of a diverse
4 community, we must begin immediately.

5 Thank you for your kind attention.

6 MONSIGNOR BARRY: Thank you.

7 MS. CASTRO: I have a question. My name
8 is Irma Castro, and I have a couple of questions for
9 you. One, is there an organization in San Francisco
10 which particularly focuses on violence against
11 Latinos, and does data collection?

12 MR. JAMERO: Offhand, I can't think of
13 any. I know in the audience there are a number of
14 other folks from San Francisco, members of that
15 community obviously are included in many of the
16 organizations they are working in.

17 MS. MERCADO: Irma, let me mention that
18 there is a coalition for immigrant rights which
19 includes Latino groups.

20 MS. CASTRO: Thank you.

21 MONSIGNOR BARRY: Thank you. Let us know
22 the results of your hearing.

23 MR. JAMERO: Our public hearing is in
24 November, and we'll have more publicity on that, and
25 I do hope to see some of your faces there.

1 MONSIGNOR BARRY: Next we have from the
2 Novato Unified School District, Kerry Mazzoni.

3 MS. KERRY MAZZONI: Monsignor Barry, and
4 members of the Commission, my name is Kerry Mazzoni,
5 and I'm with the Novato Unified School District. The
6 correct spelling of my name is K-e-r-r-y.

7 Novato is a middle class, suburban
8 community of approximately 50,000 residents located
9 in Marin County, 25 miles north of San Francisco.
10 The Novato Unified School District has eight
11 elementary schools, two middle schools, two high
12 schools, one continuation high school, one
13 independent study K-12 school, and an enrollment of
14 close to 8,000 students. Of the students, 86.08
15 percent are Caucasian, 2.94 percent are black, 4.36
16 percent are Latino, 3.22 percent are Asian, and .09
17 percent are Native American.

18 The District has over 900 employees of
19 which 92.79 percent are Caucasian, 1.76 percent are
20 Black, 2.08 percent are Latino, 2.3 percent are
21 Asian, and .77 percent are Native American. A
22 continuing goal of the District is to increase the
23 ethnic and racial representation of its employees.

24 To accomplish this, certificated and
25 management vacancies are advertised and posted in a

1 number of newspapers, journals, agencies, etcetera.
2 District administrators make it known at conferences,
3 professional meetings, and social gatherings that
4 Novato is actively recruiting nonwhite applicants.
5 Districts initiating layoffs are contacted as well as
6 colleges and universities. Personal contact is made
7 with potential applicants who are encouraged to
8 apply.

9 The Novato Unified School District has had
10 a longstanding commitment to teach students respect
11 and tolerance for racial and ethnic diversity. Ways
12 in which the district has addressed this commitment
13 include the "Green Circle," a program which deals
14 with differences between people such as race and
15 handicap; holiday celebrations which explore multi-
16 cultural expressions; the teaching of critical
17 thinking skills, which foster broader acceptance of
18 individual differences; a Global Education team,
19 comprised of at least one representative from each
20 school that meets monthly to discuss issues such as
21 conflict and conflict resolution; attendance by
22 teachers at workshops such as those sponsored by the
23 Anti-Defamation League; problem-solving skills taught
24 through cooperative learning strategies; a Board
25 policy on multi-cultural education; and, finally, the

1 district's long-range education plan for all schools
2 that strengthens commitment to the student outcome of
3 human interaction.

4 Despite these efforts, there still seems
5 to be a critical need to do more. Over the past two
6 years, the number of complaints regarding racial
7 harassment seems to have increased. Although we have
8 no hard data to substantiate this, nor do we have
9 data to determine how pervasive a problem this is for
10 the Novato Unified School District, we do know of
11 parent complaints to administrators, principals, and
12 teachers; accident reports, and alleged incidents
13 reported in requests for transfer to other schools.
14 Incidents of insensitivity and intolerance, including
15 racial and ethnic slurs, have been reported.

16 For example, the practice of "slave day"
17 at the high schools and the publishing in school
18 newspapers of articles that contain negative ethnic
19 stereotyping. To address these specific examples,
20 the district's Affirmative Action Committee has sent
21 letters to the schools and people involved,
22 requesting their cooperation in changing those
23 practices.

24 Teachers have also reported an increase in
25 racial and sexist graffiti at school sites and that

1 their professional training has not included
2 strategies for dealing with incidents of intolerance
3 among students. Consequently, problems have been
4 ignored rather than dealt with effectively.

5 Finally, the level of administrator
6 training in this area is unknown. Although racism
7 most certainly exists in Novato, outside of some
8 isolated incidents, the Novato Unified School
9 District has never considered racism a problem with
10 the exception of a time about ten years ago when
11 incidents of racial harassment in the community and
12 in the schools were reported.

13 Because of these incidents, a group of
14 black parents formed an organization to support
15 scholarship and improve the educational experience of
16 their children. This organization has remained a
17 viable parent group ever since. Their concerns were
18 taken seriously and general improvement was seen over
19 the years.

20 Present concerns regarding growing racism
21 in the school were brought to the Board of Trustees
22 in November, 1988, when parents requested a program
23 to counsel students who had experienced racial slurs
24 and discrimination. The Board referred the issue to
25 staff and the district's Affirmative Action

1 Committee.

2 As a result of that action, these parents
3 became a member of the Affirmative Action Committee
4 and a program designed to help children deal with
5 differences was implemented at one elementary school.
6 That program failed for a variety of reasons. First
7 the local newspaper, in attendance at the November
8 Board meeting where parental concerns were discussed,
9 released an article which put the school in an
10 unfavorable light. This occurred prior to any
11 opportunity the district or the local school site had
12 to thoroughly address the problem.

13 As a result, there was a negative impact
14 on the school. The teachers felt defensive that
15 accusations of racism had been levied against them
16 and they did not feel involved in any problem-solving
17 process. To compound an already difficult situation,
18 the trainers of the program did not deal with this
19 defensiveness and therefore, had little "buy-in" by
20 those who were the most important element for the
21 successful implementation of the program, the
22 teachers.

23 I wish to emphasize this point and stress
24 the importance of the community and the site attitude
25 in the implementation of a successful program. I

1 also want to stress the very important role that the
2 media plays in effecting attitudes and resolution of
3 such problems.

4 Unfortunately, the issue of racism in
5 Novato schools was still not adequately addressed.
6 The Concerned Parents Association met with the
7 Superintendent, and they came to the Board in May,
8 1989. The Board responded in much the same way as
9 they had before, commenting on the unacceptability of
10 racial harassment in the schools, and again referred
11 the issue to staff and the Affirmative Action
12 Committee.

13 Concurrently, a group of Latino parents
14 whose children were the subject of racial harassment,
15 had organized a meeting for parents. Out of that
16 meeting, three concerns were expressed. First, a
17 need for principals to be trained in dealing with
18 incidents of racial harassment. Second, some of the
19 content of the instructional program seem to
20 perpetuate stereotypical attitudes as they relate to
21 cultural diversity; and third, a uniform discipline
22 policy was needed. In an effort to make their
23 concerns heard, a coalition of black, Asian and
24 Latino parents was formed.

25 Aware of this coalition, two board members

1 decided to take a proactive role in addressing what
2 seemed to be a growing problem. A discussion item on
3 approaches to help staff and students deal more
4 effectively with the diversity of Novato students was
5 placed on the Board agenda.

6 As a result of this discussion, the Board
7 moved a number of specific items. One, the Board
8 would adopt a discipline policy which would make
9 clear that the Novato Unified School District would
10 not tolerate racial or ethnic slurs or verbal attacks
11 based on mental or physical handicap, and which would
12 outline uniform consequences for violation of the
13 policy.

14 Two, a staff development program for
15 principals and managers, because they are the leaders
16 in promoting a positive climate on school sites,
17 would be initiated in the fall of 1989.

18 Three, the Board would state a strong
19 commitment to multi-cultural education through
20 implementation of the new English Language Arts and
21 Social Studies curricula.

22 Four, the Board, through its budget
23 process, would allocate additional funds to the human
24 interaction component of the district's long-range
25 educational plan, and to the district's Affirmative

1 Action Committee.

2 Five, because the Affirmative Action
3 Committee had multiple goals other than promoting
4 human awareness activities, a task force would be
5 appointed by the Board with the single goal of
6 recommending a broad program to help staff and
7 students deal more effectively with the diversity of
8 students in the district. Recommended members of the
9 task force would be the Assistant Superintendents,
10 the Affirmative Action Officer, representatives from
11 the teachers' union, the classified union,
12 supervisors, principals, the Affirmative Action
13 Committee, the instruction division, parents
14 representing the major ethnic groups enrolled in
15 Novato schools, and an outside expert in the field.

16 Six, the Board would adopt a specific
17 complaint procedure to be followed in cases of
18 alleged discrimination as well as a procedure for
19 documenting such incidents.

20 The Board also, in response to
21 recommendations from the Affirmative Action
22 Committee, allocated additional funds for the
23 recruitment of minority teachers to meet the
24 district's goals of affirmative action.

25 Other recommendations from the Affirmative

1 Action Committee have also been implemented. These
2 include the elimination of the ethnic code from
3 student locator cards at the secondary schools,
4 revision of the Black History section of the Holiday
5 Handbook, and inclusion of a representative of the
6 Affirmative Action Committee on district textbook
7 selection and curriculum committees.

8 Dealing with the issues of racism has
9 become a priority of the Novato Unified School
10 District. Recently, a number of teachers attended
11 the Title IV conference on Equity and Achievement of
12 the New Student Majority, and more will attend the
13 same conference in the spring.

14 The district is also working closely with
15 the Marin County Human Rights Resource Center and
16 serving on its committees. We have embarked on a
17 process which we hope will eliminate racism in our
18 schools, and I hope that this testimony helps your
19 assessment of the nature and incidents of hate
20 violence and how schools are working to address this
21 problem.

22 MONSIGNOR BARRY: The next presentation we
23 have is from the Mount Diablo Unified School
24 District. We have Myra Redick.

25 MYRA REDICK: Much of what I am going to

1 share with you is reflective of what is occurring in
2 the Novato Unified School District, although we are
3 the Mount Diablo Unified School District, which is a
4 suburban district which covers 150 square miles and
5 encompasses parts, or all of five cities as well as
6 unincorporated areas.

7 Fifteen years ago the population was 92
8 percent white, and it is now 79 percent white. Our
9 students speak 52 languages with the greatest number
10 speaking Spanish, Vietnamese, Tagalog and Farsi.

11 We are committed to addressing the issues
12 of discrimination and to reducing incidents of hate
13 and violence through education, communication and a
14 partnership between the schools, law enforcement and
15 the community.

16 For the past year I have been a member of
17 the Contra Costa County Hate/Violence Task Force. As
18 the chairperson of the education subcommittee, I have
19 met with representatives of five districts in the
20 county to explore the role of the school in this
21 effort.

22 We have determined that state frameworks
23 and district courses of study contain clear
24 objectives related to this issue. We propose that
25 all districts need to emphasize these objectives and

1 require teachers to give a high priority to
2 addressing lessons related to the unlearning of
3 prejudice and appreciating diversity.

4 As a committee we have examined the state
5 frameworks for History-Social Science, English-
6 Language Arts, and Visual and Performing Arts. We
7 have identified the goals which are related directly
8 to promoting an appreciation of cultural diversity.

9 In addition to the formal curricula
10 presented in the classroom, schools deal on a daily
11 basis with the "living curricula" -- the incidents
12 that occur on the school grounds and in the
13 corridors. Administrators and teachers need training
14 in recognizing and dealing with incidents of hate
15 violence or those which can lead to violence.

16 In Mt. Diablo we are focusing on staff
17 development related to both teaching about diversity
18 in a sensitive manner, and dealing with issues
19 related to prejudice.

20 In our district we have a Conflict
21 Management program in each high school and most
22 middle schools. This has been very effective in
23 reducing tensions and fighting.

24 We are fortunate to have an unusual
25 working relationship with the Concord Police

1 Department. The response protocol we have developed
2 establishes a different reaction from the officers
3 when we identify an incident on campus to be race
4 related.

5 We are also fortunate to have the advice
6 of certain representative groups in our community who
7 make us aware of the needs of minority students and
8 of problems they identify. For example, some parents
9 felt that schools had policies related to fighting,
10 but fail to react to the racial slur which may have
11 provoked a student to fight. We will put in policy
12 and publish in all student handbooks the premise that
13 we consider a racial slur to be assaultive behavior
14 and a suspendable offense.

15 During the next year, we will be focusing
16 on increasing communication between the community and
17 the schools, and to increasing our skills in dealing
18 with sensitive issues.

19 MONSIGNOR BARRY: Thank you very much. We
20 have one more presentation now. We have Robin Wu
21 from the Chinese for Affirmative Action.

22 ROBIN WU: In order not to be repetitive
23 in view of lunch coming up, I will be very brief. My
24 name is Robin Wu, and I am with the Chinese for
25 Affirmative Action.

1 Chinese for Affirmative Action is located
2 in San Francisco's Chinatown and has been serving the
3 Asian community for 20 years. One of our goals as a
4 civil rights advocacy organization, is to monitor
5 incidents of anti-Asian violence, and members of the
6 public contact us if they have been a victim of, or
7 witnessed such an incident.

8 The tremendous demographic changes
9 experienced by our state during the past decade have
10 made people more aware of the Asian community, but
11 have also created an increased level of anti-Asian
12 sentiment.

13 I would like to mention two relatively
14 well-publicized incidents of anti-Asian violence that
15 have occurred since the beginning of this year. On
16 January 17, 1989, Patrick Purdy shot 35
17 schoolchildren and a teacher at Cleveland Elementary
18 School in Stockton. Five of the children died. The
19 investigation of this assault, initiated by the
20 Attorney General, revealed that Purdy targeted all
21 minorities for his problems and singled out the
22 Southeast Asian community in Stockton.

23 Just last month, an article appeared in
24 the College of San Mateo's weekly student paper
25 entitled, "Who Do You Hate?" The article begins as

1 follows:

2 "I never used to think of them as a
3 minority. But I do now. I never used to
4 hate them. But I do now. The group of
5 people I'm talking about are Asians."

6 The editor of the student newspaper
7 defended her decision to publish the article by
8 deferring to freedom of speech and said she would
9 publish anything submitted to her.

10 We applaud the Attorney General's
11 Commission for the recommendations it made in 1986
12 which included amendment of the Ralph Act and the
13 establishment of the Bane Act. But these laws will
14 only be effective if they are fully implemented and
15 carried out.

16 The Attorney General needs to take the
17 lead in encouraging educational institutions to fight
18 against hate violence by developing human relations
19 and ethnic studies curricula. The Attorney General
20 should facilitate a dialogue between schools and law
21 enforcement agencies to develop crime prevention
22 programs in our communities.

23 It is imperative that there be a state
24 agenda to combat hate violence and a comprehensive
25 strategy on the part of state government with which

1 to address this agenda. In order for such a strategy
2 to be effective, the government and community
3 organizations must make a commitment to working
4 closely together.

5 We look forward to seeing the Commission
6 take a leadership role in this endeavor. Thank you.

7 MONSIGNOR BARRY: Thank you very much. We
8 will have a lunch break now. We will gather again at
9 1:30 here.

10 (A lunch recess was taken)

11 MONSIGNOR BARRY: We are now back from
12 lunch and the first speaker we have this afternoon is
13 from the Asian Law Caucus, and it is Dennis Hayashi.

14 DENNIS HAYASHI: I have a short prepared
15 statement this afternoon. Commissioners, my name is
16 Dennis Hayashi, and I am an attorney with the Asian
17 Law Caucus, Inc., a nonprofit law office established
18 in 1972 which represents the low-income Asian
19 community, especially in matters of civil rights.

20 I am here to discuss an incident which
21 occurred not here in California, but in Raleigh,
22 North Carolina. This past July, Ming Hai Loo, also
23 know as Jim Loo, was murdered by two white
24 individuals in a racially motivated attack.

25 The response of the government authorities

1 and community carries potential lessons for
2 California as it continues to wrestle with the issue
3 of responding to ethnic violence.

4 On July 29, Jim Loo, a 24-year-old student
5 at North Carolina State University, and five of his
6 friends were inside a local pool hall playing a game
7 when two brothers, Robert and Lloyd Piche, approached
8 them and began to harass them. They called them
9 "stupid gooks" and told them that they were
10 responsible for their brothers not returning from
11 Vietnam.

12 When ordered to leave by the pool hall
13 managers, the Piches told Loo and his friends that
14 they would be waiting outside, saying, "We are going
15 to finish you."

16 As Jim and his friends were leaving the
17 pool hall, the Piches were outside waiting. Robert
18 Piche went to his truck and pulled out a shotgun. He
19 apparently attempted to fire it at Jim Loo, but the
20 gun jammed. Lloyd Piche then grabbed one of Loo's
21 friends, and held him against the trunk as Robert
22 Piche swung the shotgun at his head.

23 The young man ducked, and got away.
24 Robert Piche chased him with the gun, and then ran
25 back to the parking lot where Loo and another friend

1 were standing. Grabbing a pistol from the truck,
2 Robert Piche swung it at the two men, striking Jim
3 Loo in the back of the head. Jim Loo pitched
4 forward, hitting his head on a beer bottle which
5 shattered his eye socket. Broken bone fragments were
6 driven into his brain, killing him.

7 In the wake of this incident, the Asian
8 community in Raleigh was confronted with the first
9 reported incident of an anti-Asian killing. The
10 Asian community there, however, is very small,
11 consisting primarily of immigrant professionals and
12 scientists.

13 As I was told by a Raleigh native, Raleigh
14 is 80 percent white, 20 percent black, and Asians
15 don't register even one percent. As such, the local
16 community was understandably hesitant to be vocal.
17 Their reluctance was also due in part to the fact
18 that last June flyers appeared on telephone poles in
19 Raleigh that read, "Keep America American" and
20 portrayed Japan as the "Silent Invader." The
21 handbills urged "We the People" to stop the influx of
22 foreign invaders. When these flyers appeared,
23 Raleigh authorities did nothing to stop them nor
24 determine who was behind it.

25 Thus, when Jim Loo was murdered, the local

1 community waited to see what the county prosecutor's
2 response would be. They were forced to begin
3 organizing when the Piche brothers were first charged
4 with only misdemeanors or disorderly conduct related
5 to their assault on Jim Loo's friend. They were also
6 outraged by statements from the District Attorney's
7 office that the killing of Loo was an isolated
8 incident, not a reflection of anti-Asian sentiment in
9 Raleigh.

10 Calling for justice, the Jim Loo American
11 Justice Coalition was formed, and pressed the D. A.
12 for a murder indictment for the killings. They also
13 called for an investigation by the Federal government
14 of civil rights violations. They were joined by the
15 Inter-Faith Religious Council, and other civil rights
16 organizations in calling for a thorough investigation
17 and prosecution of the cases.

18 In August, Robert Piche was indicted for
19 second degree murder by a grand jury. The D. A. did
20 not seek a first degree indictment based on a lack of
21 evidence, yet when I was in Raleigh, radio talk show
22 hosts received calls from witnesses to the killing
23 who said they had information to provide, but had not
24 been encouraged to do so by the DA's investigators.

25 Additionally, the prosecutor continues to

1 downplay the racial aspect of the case. But as
2 Christiana Davis-McCoy, executive director for North
3 Carolinians Against Racist and Religious Violence
4 stated, Loo's killing should be seen as unique only
5 because it is the first known incident.

6 "Plenty of people share the sentiment of
7 the Piche brothers, but they don't act on
8 it in the same way. They say the "Chinks"
9 and "Japs" are getting an easier way to
10 go, because they have access to
11 resources."

12 Meanwhile, Robert Piche, who awaits trial,
13 has characterized the incident as a barroom brawl.

14 What lessons can we draw from what has
15 occurred in Raleigh? First, county and state
16 authorities should not whitewash these types of
17 incidents as "isolated." I believe that the actions
18 of the Piche brothers are the result of an atmosphere
19 conducive to acts of racial violence. These
20 incidents must be placed in their proper context by
21 those in charge of investigating and prosecuting
22 them.

23 Second, government authorities and local
24 commissions must be supportive of communities which
25 are the targets of racism. Local human rights

1 commissions, for example, must respond promptly to
2 things such as the flyers posted in Raleigh and
3 recommend courses of action to handle such situation
4 before violence erupts.

5 Finally, strong penalties for racial
6 violence such as those provided in the Ralph Act are
7 important, but equally important is education of the
8 wider public about how these laws can be used. Only
9 with effective legal tools can victims of racial
10 hatred in minority communities attempt to
11 meaningfully respond.

12 Thank you. This is the end of my
13 presentation, but I would like also to bring to the
14 Commission's attention another case that our office
15 is currently involved in.

16 Last week we filed a lawsuit in Federal
17 District Court, which is attempting to enjoin the
18 United States Coast Guard for discriminatory
19 enforcing a 200-year-old statute which would
20 effectively prevent Vietnamese fishermen from plying
21 the waters of California.

22 The rationale of the Coast Guard is that
23 they're just enforcing a law, but it so happens that
24 since the beginning of the year they've enforced it
25 only against Vietnamese. I'm not raising this

1 incident to discuss the legal merits of that case,
2 but I wanted to comment that since that case has been
3 filed, we were told by other reporters that there
4 appears to be sentiment among non-Vietnamese
5 fishermen in this area, and if the Coast Guard
6 doesn't take care of matters, they will.

7 And this past week I, myself, in my office
8 have received correspondence tending to indicate that
9 there is deep racist sentiment bubbling just below
10 the surface of this issue. And I would encourage the
11 Commission to actively monitor the case as it goes
12 along in order to prevent potential incidents from
13 occurring around it. Thank you very much.

14 MONSIGNOR BARRY: Thank you. Any
15 questions?

16 MS. YU: One question. In terms of
17 monitoring these cases, we're not always able to do
18 that ourselves. Is there some way you'd be willing
19 to let us know how things are going since you are
20 actually prosecuting these cases?

21 MR. HAYASHI: Sure, I think that in
22 conjunction with other organizations in the area,
23 we're concerned about incidents of anti-Asian
24 violence and hatred, that we are indeed willing to
25 provide whatever documentation is necessary at any

1 time for the State Commission to keep fully informed.

2 MS. YU: Because one of the subcommittees
3 is the litigation, it would help us and the staff to
4 be apprised as these pieces are brought forward.

5 MR. HAYASHI: Sure.

6 MONSIGNOR BARRY: Thank you very much. We
7 appreciate it.

8 I think we have Lester Olmstead-Rose next
9 from Community United Against Violence.

10 LESTER OLMSTEAD-ROSE: Thank you. I am
11 Lester Olmstead-Rose, and I am from the Community
12 United Against Violence.

13 Community United Against Violence is a
14 ten-year-old agency and we work primarily on the
15 issue of violence against lesbians and gays, and our
16 particular interest in this hate violence against
17 lesbians and gays since it is such a prevalent
18 problem. What the good news of -- what I have to say
19 today is that with the Governor signing SB 202, which
20 is the California Hate Crimes Statistic Bill, which
21 he signed about a week or two ago, California now has
22 a full complement of what I call preliminary, or the
23 basic hate crime laws on its books, which I think we
24 can be very proud of.

25 We are the third state in the national

1 after Oregon and Minnesota to have this full
2 complement of these laws. They include enhanced
3 penalties for hate violence, they include civil
4 remedies for hate violence, in addition to the
5 regular criminal penalties, and they include
6 statistics collection.

7 However, I want to run down a couple
8 statistics really briefly so we don't get too
9 complacent and we can be reminded that there's a very
10 serious problem out there in the area of hate
11 violence against lesbians and gays. Community United
12 Against Violence has seen every year since 1985, we
13 receive about 200 to 250 reports of hate violence
14 against lesbians and gays. That's primarily in San
15 Francisco. This year we're doing a better job of
16 collection and I can guarantee the number will be
17 even higher, but because we're keeping better track.

18 In California, the National Lesbian and
19 Gay Task Force reported 561 anti-gay incidents in
20 California in 1988, including 317 physical assaults.
21 Just so that you know in terms of reported numbers
22 nationwide, California had more assaults than any
23 other state, and San Francisco reported more such
24 assaults than any other city.

25 Really briefly I want to talk about why we

1 are seeing more in California and San Francisco where
2 we're supposedly more tolerant and relatively open to
3 diversity. Partly because we have better reporting
4 here, and I want to give a couple of Kudos to CUAV,
5 who is kind of a model for what we need to begin to
6 see and I will talk about it a little later, but in
7 CUAV we have a community-based organization with good
8 ties and good representation to the effective
9 community.

10 The people who are targeted for hate
11 violence, it's very important that when we look at
12 what we can do in California for hate violence that
13 other groups like that be encouraged and set up
14 around the state in different counties, in different
15 cities. For example, Break the Silence Coalition
16 against anti-Asian violence has been started in the
17 last four or five years, and they are active in San
18 Francisco, and are beginning in the Bay Area, and are
19 beginning to develop that kind of model. And it's
20 really important that we encourage that, that helps
21 us get better statistics and helps us respond better
22 to the problem.

23 One more statistic, the San Francisco
24 Examiner did a series called "Gay in America" last
25 June, which many of you may have seen or heard about.

1 They did a nationwide survey. In their survey they
2 found that 6.2 percent of all people nationwide
3 identify themselves over the phone to a stranger as
4 lesbian, gay or bisexual. Of those people, 7 percent
5 said they had been assaulted in the past year in
6 anti-gay incidents. We take those statistics and
7 apply them directly to California and we are talking
8 about over 100,000 hate assaults against lesbians and
9 gays every year in this state. It's a huge problem.

10 What the statistics make clear is that
11 although California may have these preliminary laws,
12 there is a whole lot more we need to be doing. And I
13 think the focus that we need to look at now that we
14 have the preliminary laws is really look at the
15 bigotry and look at the prejudice which results in
16 hate incidents and we need to somehow respond to
17 those areas.

18 Some suggestions around that -- I think we
19 need pilot programs in the schools and I heard other
20 people talk to you about this today, pilot programs
21 in the schools which are both designed to teach
22 tolerance for all groups which are subjected to
23 bigotry, and also to restore lesbians, gays, blacks,
24 women, Latinos, Asians and all the other groups -- we
25 need to be restored to the history books, to the

1 literature classes, to science curriculums. We need
2 to be put back into our history, to our culture where
3 we've been written out.

4 So the schools really need to begin to
5 look at programs and curriculums to make sure that
6 issues of tolerance and appreciation for diversity is
7 included in what they teach.

8 We need more community-based
9 organizations, as I referred to earlier, and these
10 organizations need to both help victims of hate
11 violence and provide counseling referrals, resources,
12 advocacy, also they need to provide safety and
13 education within the communities that are targeted
14 for violence. We need pilot community education
15 programs, meaning for example, all of San Francisco
16 needs to be educated to the issue of hate violence,
17 prejudice and bigotry.

18 We need to find new and creative ways to
19 reduce the level of bigotry and to promote -- on a
20 countywide, citywide, areawide basis -- we need to
21 promote appreciation for diversity. Only through
22 doing that can we actually reduce the amount of
23 violence. We need to do better training of our law
24 enforcement agencies statewide. Law enforcement
25 needs to become more sensitive to the different

1 community groups that they serve, and they need to
2 make sure that individual agencies have policies set
3 up to track hate violence which hopefully the new
4 laws will encourage. And also we need training
5 literally of every law enforcement person in the
6 state to be able to recognize a hate incident, and
7 know what to do about that incident.

8 Finally, we need to develop programs
9 similar to what Fred Persily has developed in Contra
10 Costa County and we're trying to get off the ground
11 in San Francisco, programs which are coordinated,
12 comprehensive local response groups, grassroots
13 response, if you will, to hate violence, programs
14 that bring together the public resources and bring
15 together community groups in a comprehensive local
16 response to this issue.

17 I'd like to end by saying that we owe the
18 Attorney General and this Commission very much.
19 We're very grateful for the efforts you, the Attorney
20 General have made towards making hate violence a
21 major issue in California. Now that this item is on
22 the agenda, now that people are beginning to be aware
23 of the issue, we need to commit to long-term,
24 substantial, creative methods which not only respond
25 to the individual incidents we hear about, but also

1 to effectively end the bigotry that causes the
2 violence. Thank you very much.

3 MONSIGNOR BARRY: Thank you. Any
4 questions?

5 MR. OLMSTEAD-ROSE: I have a packet here,
6 should I give it to someone?

7 MONSIGNOR BARRY: Yes. Thank you very
8 much, Lester.

9 Next, we have Hal Snow from the San
10 Francisco Commission on Peace Officer Standards and
11 Training.

12 HAL SNOW: Good afternoon, my name is Hal
13 Snow, and I'm with the Commission on Peace Officer
14 Standards and Training. It's a statewide agency
15 charged with the responsibility of setting training
16 and selection standards for California's peace
17 officers and particularly we have responded to many
18 of this Commission's recommendations for peace
19 officer training.

20 I'm here to comment that effective July 1,
21 1988, POST adopted the attached basic course
22 curriculum additions related to hate crimes
23 including: 1. recognizing hate crimes; 2.
24 consequences of hate crimes, and; 3. laws regarding
25 hate crimes.

1 Additionally, there were some technical
2 changes to other existing curriculum involved with
3 community relations and interpersonal communications
4 involved on the part of the officers. These
5 performance objectives were developed with the input
6 of subject matter experts and basic academy
7 instructors from our academies and are now being
8 taught and tested in all 34 POST-certified basic
9 academies around the state. With a performance
10 objective based training program, which holds
11 instructors and students accountable, it is difficult
12 to say with accuracy how long this training requires.
13 But we would estimate that most academies are
14 devoting one to two hours.

15 It is safe to say that all of your
16 recommendations concerning basic academy training
17 either were or are now being addressed in our
18 mandated curriculum of basic training.

19 In addition to basic academy training, we
20 are aware that some advanced officer and modular
21 courses for in-service officers have included this
22 training where locally determined training needs
23 suggest. POST also is in the process of including
24 this training in the curriculum standards for the
25 POST Requalification Course which is required for re-

1 entering officers after a three year or longer break
2 in service.

3 Some attention to hate crimes is also
4 being included in the newly developed Basic Criminal
5 Investigation Course as part of the POST Institute of
6 Criminal Investigation which is directed at the
7 training needs of investigators.

8 Although POST does not establish content
9 standards for agency field training programs, we are
10 aware that some law enforcement agencies have
11 incorporated hate crimes instruction in their field
12 training programs of new officers which typically
13 parallels the curriculum POST basic academy training.

14 Besides the area of hate crimes, POST has
15 adopted training standards on the elderly and is
16 about to consider enhanced training in the related
17 area of handling the developmentally disabled and
18 mentally ill.

19 POST is not in a position to
20 determine what effect this training has had on the
21 performance of individual officers and law
22 enforcement agencies collectively.

23 Consistent with its training role, the
24 POST Commission remains willing to work cooperatively
25 with local law enforcement agencies to meet their

1 training needs in this area.

2 I would be pleased to answer specific
3 questions about this or other activities on the
4 subject.

5 MR. KASSOY: Comment was made this morning
6 that every time people perceive a problem in society
7 they come to POST and they say you have to add
8 something to your training program. Do you feel that
9 we overburden POST with the guidelines that we
10 propose, or do you feel that -- do you feel that
11 those guidelines would be implemented as a priority
12 matter?

13 MR. SNOW: We have implemented the
14 training standards in our basic academy training and
15 we have received no expressions of concern from our
16 academy representatives. There are 34 of them and we
17 meet with them on a regular basis. We have no reason
18 to believe that this is something that will not be
19 attended to and we do, for example, develop test
20 questions on every one of our performance objectives
21 to ensure that students are proficient on each and
22 every one of them.

23 We are, however, concerned about
24 continuing legislation mandates that come out from
25 the legislature every year for peace officer

1 training, and we're concerned that perhaps -- that
2 maybe, maybe reaching a point where we are expecting
3 too much to be presented in the basic academy.

4 Hopefully, we will be paying more
5 attention to the training mandates for in-service
6 officers than perhaps to a lesser extent on new
7 entering officers.

8 HON. LYTLE: You've referenced the
9 different legislative mandates identifying different
10 areas of training that POST has been asked to engage
11 in the development and dissemination of training
12 standards. In law enforcement does your agency
13 establish any priorities that are utilized either by
14 your agency or can be utilized by law enforcement
15 agencies receiving the standards?

16 MR. SNOW: Well, if we adopt as a minimum
17 training requirement, they are essentially treated
18 equally in our training. There is no hierarchy of
19 priority training of officers in the basic academy
20 training. On the other hand, you are talking about
21 something outside of the training agreement that is
22 how agencies prioritize the handling of these kinds
23 of incidents. That is not our responsibility.

24 HON. LYTLE: Let me try and clarify this
25 then. There are -- there is a limited amount of time

1 and resource available to the local entities for
2 training. You have to divide this training up in
3 some areas, such as officer safety, whatever. Do you
4 provide any guidance to law enforcement agencies with
5 respect to how to allocate resources in particular
6 areas of training?

7 MR. SNOW: We set minimum standards not
8 only for the entry-level entering officer, but the
9 in-service officer, for example, has to go through 24
10 hours of training every two years. Supervisory
11 officers have to go through training as well, same
12 kind of training. Managers have to go through
13 training beyond as to how they satisfy the continuing
14 professional training requirement every two years.
15 It's left up to individual agency discretion as to
16 what that training is, what priorities there are.
17 Because there are differences from community to
18 community as to priorities and those priorities
19 change from time to time. Over a period of time,
20 training needs change and we have chosen to leave
21 that discretion in the hands of the individual
22 agencies.

23 HON. LYTLE: Given the logistics of that
24 local discretion, what kind of response can a local
25 agency expect from those when it is experiencing a

1 precipitous increase in hate violence. Are they
2 encouraged to come to you for technical assistance?

3 MR. SNOW: We can, in addition to
4 permitting that training and to be included in the
5 advanced officers' courses, which are given to in-
6 service officers and supervisors. We can, and do
7 respond to requests for larger courses, longer
8 courses, more in-depth courses, or courses for
9 specialties in law enforcement. For example,
10 investigators and so forth. We have a great array of
11 courses -- over 1,400 courses in California that we
12 certify for officers and other personnel, so we are
13 in the position to provide training that is needed.
14 We are very responsive to training needs of law
15 enforcement.

16 And beyond that we also have management
17 counseling service that will provide local law
18 enforcement in the event that they wish to work out a
19 local problem, or an organizational problem. We have
20 consultants that will come in and assist them in
21 designing programs and looking at their different
22 structures.

23 DR. HAWKINS-RUSSELL: Is there any kind of
24 state monitoring from your organization relative to
25 local police departments? For instance, there is one

1 particular police department in a city -- and this is
2 a hypothetical case, not quite hypothetical, but I'm
3 going to make it hypothetical -- where there has been
4 an awful lot of allegations on the part of minorities
5 that they have been harassed, or that there is
6 discrimination on the part of the officers. Is there
7 anybody you know that contacts these people and
8 offers assistance or asks if they need assistance?

9 MR. SNOW: We do monitor law enforcement
10 agencies, but only for the purpose of seeing to it
11 that they meet POST as well as legislative training
12 mandates and selection standards. We are not charged
13 with the legal responsibility to investigate
14 misconduct on the part of officers or agencies.

15 DR. HAWKINS-RUSSELL: So that's left
16 entirely up to the hands of the communities.

17 MR. SNOW: Communities and I assume that
18 might include grand juries and perhaps the Attorney
19 General.

20 MR. LINDSTROM: Mr. Snow, what are the
21 publications that you use to do your in-service
22 training, about the multi-cultural aspects of the
23 training?

24 MR. SNOW: We have to support our basic
25 course, our basic police academy training course,

1 which is over 560 hours. We have unit guide material
2 which is detailed material to guide the instructor as
3 to what to teach and how to teach individual
4 performance objectives and for each and every one of
5 our objectives we have unit guide materials that can
6 be used in the in-service instruction, and often
7 times is used to guide instructors who teach in-
8 service officers.

9 MR. LINDSTROM: I'm just wondering who
10 prepares the material. These outside consultants
11 come in and actually prepare the materials, or the
12 information that goes into those materials?

13 MR. SNOW: Generally, the way it is
14 developed is that we bring the subject matter experts
15 in as instructors who teach in the particular subject
16 that we're dealing with. And for example, this area
17 of development design of these unit guides, we had to
18 bring in others outside of the academy arena to
19 provide guidance as to what should be taught and how
20 it's taught. It's a combination of existing
21 instructors as well as outside subject matter
22 experts, to the best of my knowledge.

23 MR. LINDSTROM: Do you have any input from
24 the communities, ethnic groups for example?

25 MR. SNOW: Our curriculum typically, and

1 by necessity has to be universal and acceptable, or
2 universal in a generic respect that it must meet the
3 minimum training standards for officers, regardless,
4 up and down the state jurisdiction standards. We do
5 not get into details of what specific problems or
6 services might be in existence with an individual
7 community, but rather what is generally available
8 throughout the state. And these are the -- that's
9 the way we generally deal with the curriculum and
10 referral services and so forth.

11 HON. LYTLE: I'm still not clear on these
12 standards. Your aim is to obviously impose standards
13 of some kind or other on local law enforcement
14 agencies in the area of training, and you try to make
15 them generic. You don't refine them for San
16 Francisco, so they're not usable by Humboldt County.
17 Now within that rubric, however, what resources or
18 what information do you turn to to identify what
19 these generic standards should be? Are you talking
20 about weapons training, the area of search and
21 seizure -- can you identify the areas we're talking
22 about when you say "minimum standards of training"?

23 MR. SNOW: Well, we look at what is
24 universally needed by officers. We also, of course,
25 look at often times responding to legislative

1 training mandates. We look at what the legislature
2 has specified and sometimes they do, but we
3 deliberately and on purpose, do not try to address
4 the individual trainees to individual departments, or
5 county or even regional regions within California.
6 That is the responsibility of individual agencies to
7 address those.

8 And as I said, we simply use the best
9 judgement that we can in terms of instructors and
10 other subject matter experts. Just recently in the
11 last few weeks we put together a curriculum that was
12 mandated by the legislature on handling the
13 developmentally disabled, and we brought in community
14 groups as well as statewide organizations, as well as
15 our own academy instructors from around that state to
16 collectively separate out what is generic and what is
17 not.

18 HON. LYTLE: Just one more question. What
19 I'm trying to get out is this. I don't know if you
20 read the Governor's report, but it began a very -- in
21 the State of California, about the treatment of
22 minorities in the State of California, but it has
23 been such that violence against minorities was a
24 problem before we were a state, and intergroup
25 tensions, perhaps just short of violence, have been a

1 problem within the state long before California was a
2 state. So would you not consider that training in
3 that area could be called generic?

4 MR. SNOW: Most definitely.

5 MR. KASSOY: I'd like to go back to a
6 question you were asked a little earlier about the
7 source of the materials that you make available to
8 the various jurisdictions, for sensitizing law
9 enforcement to the multi-cultural aspects of society
10 in California.

11 The guidelines that the POST has adopted,
12 that were recommended by this Commission 42 years
13 ago, and for that we were very grateful. But these
14 were motivated from the judgment that we made after
15 taking testimony for a couple of years around the
16 state that there is a perception out there in many of
17 the minority communities that police officers were
18 not adequately sensitized to cultural differences,
19 and the effect the cultural differences have on the
20 behavior of law enforcement.

21 That's why we are rather concerned to
22 know, because I am not aware that the various
23 minority organizations have had any input into the
24 materials that you are making available to local law
25 enforcement agencies for their training. We are very

1 concerned to know where you are getting those
2 materials from and are you getting all of the
3 assistance that you should have from the communities
4 that are directly affected by that training, because
5 I am not sure we have seen that.

6 MR. SNOW: I have that to supply to you.
7 That's why I have that to supply.

8 MONSIGNOR BARRY: Thank you very much.
9 You do have materials there for us. Very good.

10 Next, I think we have from the San
11 Francisco Police Department, Captain Jim Arnold.

12 CAPT. JIM ARNOLD: Hello, I'm Captain Jim
13 Arnold from the San Francisco Police Department and
14 before I start I'd like to thank you for the
15 opportunity to speak before you.

16 Our San Francisco Police Department has
17 taken the approach that the unique nature of these
18 crimes require special handling. There's an
19 obligation not only to recognize these crimes as
20 criminal acts, but to investigate them while reacting
21 in a positive manner to the emotional trauma
22 experienced by the victims, families and citizens of
23 communities who have witnessed or suffered such
24 incidents.

25 It is the policy of the San Francisco

1 Police Department, one, to insure that the rights
2 guaranteed by the Constitution and laws of the State
3 of California and the United States are protected for
4 all citizens regardless of any personal
5 characteristics including, but not limited to, race,
6 color, religion, ancestry, national origin, political
7 affiliation, sex, sexual orientation, or disability.
8 And you take a pro-active role in protecting all
9 citizens against prejudice-based conduct by promoting
10 peace and harmony among the diverse groups living and
11 working within the City and County of San Francisco.
12 And to stress that prejudice-based criminal incidents
13 are supported with vigorous prosecution of those who
14 are apprehended in such incidents.

15 Since the spring of 1988 the San Francisco
16 Police Department has been collecting data regarding
17 prejudice-based acts of violence. During that time
18 our Chief, Chief Frank Jordan, has issued a training
19 bulletin which defines prejudice-based acts of
20 violence, establishes or lists criteria for reporting
21 these incidents. It also lists appropriate penal and
22 civil code violations and provides referrals to
23 various organizations for support or additional
24 information.

25 This is our training bulletin in that

1 regard, and I will leave these copies with you.

2 I was also issued a department General
3 Order, which sets policies and procedures for
4 recognizing and responding to incidents motivated by
5 hatred or prejudice. It specifically states the
6 responsibilities of the patrol officers responding to
7 the scene of a prejudice-based crime. It states the
8 responsibilities of the supervisors, the
9 investigation bureau, the intelligence division, and
10 the statistical analysis unit. We have also provided
11 prejudiced-based incident reports with boxes with
12 training for the officers instructing them to
13 indicate in that area why they think it is a
14 prejudice-based incident.

15 We have also produced training film at the
16 academy, a seven minute film reinforcing the training
17 that these officers receive at the academy and we
18 show it periodically to all the stations and all the
19 bureaus within the department. It is used as a
20 training tool, and it's very effective. We also have
21 a training program in place at the academy that we
22 give in-service training and, as Hal Snow spoke
23 about, we give in-service training every two years to
24 all supervisors and officers, putting issues of
25 discrimination harassment in historical perspective.

1 Many of the young officers that are going through the
2 academy now have not been exposed to the systematic
3 and blatant examples of racism that have occurred in
4 the past and they really have a lack of knowledge of
5 history of the basis of these issues and the need for
6 the Ralph and Bane Act.

7 Since the spring of '88 we collected these
8 statistics and to date since January of this year, we
9 have, our statistics indicate that we have 116
10 prejudice-based acts of violence, and they're broken
11 down as follows: 7 are on an ethnic basis, 54
12 against gay and lesbians, 11 anti-semitic, and 38
13 racial and 1 religious, and 1 sexual. This is
14 woefully underreported, and as Lester from CUAV spoke
15 earlier, their statistics indicate that it is three
16 or four times that amount. And the reason for this
17 underreporting is lack of public awareness, lack of
18 media coverage regarding the problem, lack of
19 training for the police officers. Although we have
20 all these training devices in place, the police
21 officers continue not to report or indicate in the
22 report that these were prejudice-related acts of
23 violence.

24 There are some groups of persons that are
25 reluctant to contact the police. I understand why.

1 There's a desire for anonymity, and one of the ways I
2 think we can correct this is to have a group not
3 affiliated with the police to collect this data, an
4 organization like the Human Rights Commission. The
5 collection of this data on a statewide basis and a
6 regional basis, on a local level, would help us
7 tremendously. We can allocate our resources more
8 effectively with this information.

9 I especially want to give thanks to groups
10 like CUAV, The Asian Law Caucus, The NAACP, and Marty
11 Mercado, who have really pushed us, pushed the police
12 departments into the 20th century in this regard.
13 Prior to that we had no way of documenting or
14 collecting this kind of data, and because of the
15 interest from the community we have been able to come
16 up with a reporting system that is at least, I think
17 partially effective.

18 We hope that with continual training, our
19 Chief realizes the need for more training at the
20 academy level and more training at the in-service
21 level. I know with this training and more community
22 awareness the reporting will increase and we'll get a
23 firm idea of the kinds of things that are occurring
24 in the community. I'd be glad to answer any
25 questions.

1 HON. LYTLE: The San Francisco Police
2 Department was the subject of a lawsuit some time
3 ago. A rather long-standing hearing resulted from
4 that lawsuit and of course it was with respect to the
5 hiring of minorities into the police force.
6 Typically, my years in civil rights taught me that
7 even with successful conclusions of a lawsuit,
8 feelings have been generated that can best be
9 described as pretty acrimonious. Now are those
10 feelings still a problem and do they result in
11 resistance to these kinds of programs?

12 CAPT. ARNOLD: Well, as Marty can attest
13 to, our police are very slow to change. Marty and I
14 attended an academy training program in which we saw
15 training, and there was a lot of resistance to it.
16 It does hamper our ability to collect this data, but
17 it was also very positive. In fact, it showed us the
18 need for more training and identified those results
19 that needed to be looked at more closely. I'm not
20 denying the problem exists. Police officers,
21 especially older officers -- 25-year veterans -- are
22 very slow to change, but hopefully with this training
23 and video attention and the progressive attitudes
24 shown by our Chief, Frank Jordan, these officers are
25 going to come around and also these officers know we

1 are not going to tolerate this kind of activity and
2 we are not slow at all in bringing charges against
3 these officers.

4 MS. MERCADO: I'd like to comment that
5 Marion Johnson and I both attended training by the
6 San Francisco Police Department and we have commended
7 the department for taking the effort and the time to
8 adopt this kind of training program. The word has to
9 come from the top, nevertheless, we've got our eyes
10 open much more than we had anticipated as we sat
11 through the training session, and I think I commented
12 to Jim that we have a long way to go, a hard road to
13 hoe, but you have to start someplace and I think we
14 have been in a process that we have embarked on this
15 kind of training. But changing the attitudes of law
16 enforcement, it's not just law enforcement but a lot
17 of other institutions. One of the comments we heard
18 for example was, "You mean we can't have fun
19 anymore." We pointed out that racial slurs and other
20 harassment was not acceptable.

21 CAPT. ARNOLD: As a matter of fact,
22 another comment I think you may remember, Marty, was,
23 "Gee, what are you going to do this for? You're
24 going to bring these problems out in the open and
25 paint San Francisco as having a very severe problem."

1 Well, problems do exist and the only way we can help
2 recognize them and deal with them is this.

3 MS. YU: You indicated that you have a box
4 regarding prejudice-based crimes. Have your officers
5 found any difficulty in ascertaining whether or not
6 prejudice and bigotry played a role? When we first
7 were struggling with this some years ago, there was
8 some concern about how the officer was going to be
9 able to tell.

10 CAPT. ARNOLD: Well, we instruct the
11 officers to look at the motivation behind it. Some
12 of these incidents are very obvious, such as painting
13 a swastika on a synagogue, and some are less obvious.
14 We ask them if there are instances that have occurred
15 in the past in the same neighborhood, does it affect
16 a large part of the community, does a large part of
17 the community feel it is prejudice-based. And
18 hopefully the training and the film we use as a
19 guideline to report these things, and it is -- we do
20 have a checklist system where if the officers
21 indicate it is prejudice-based, and it is not
22 supported as such on there, on the incident report,
23 that is commented on in subsequent reviews by the
24 sergeant, by the lieutenant and by the officer in the
25 intelligence unit who gathers these statistics.

1 MS. YU: And the other question is that
2 you indicated some statistics -- do you have some
3 sense as to whether the trend is going up or down,
4 whether the awareness and sensitivity on the part of
5 the force is leading to more?

6 CAPT. ARNOLD: Well, the statistics
7 indicate that it is obviously increasing, and I think
8 that's due to more awareness on the officers' part to
9 do the things that are required to do, like check the
10 box on the report and indicate, and also through
11 community awareness programs. The community is more
12 aware and more apt to bring these incidents to the
13 attention of the officer.

14 MR. LINDSTROM: Is there any person in the
15 police force who is designated to network with, or
16 work with some of the other law enforcement agencies
17 to see how their program is going -- how the training
18 programs are going, and use some of their materials?

19 CAPT. ARNOLD: We have three people,
20 actually, involved in this whole process. We have
21 the captain in the community systems division, and we
22 have Lieutenant Pete Autin (phonetic) who tracks
23 statistics and he's assigned to the intelligence
24 unit, and the lieutenant who's in charge of our
25 academy and they coordinate the efforts with their

1 agencies and with POST, and I'm sure they're free to
2 contact Hal Snow, but one of the problems we've had
3 is a lot of other agencies don't have this reporting
4 system, so we really don't know what the size of the
5 problem in the other jurisdictions is.

6 HON. LYTLE: It seems to me the police
7 officers suffer from a phenomenon that is probably
8 suffered by a lot of professionals who deal with a
9 relatively small percentage of the population. They
10 deal with people who are either criminal offenders or
11 are suspected, and I'm sure there are few people that
12 would argue with the conclusion that if they are not
13 very careful they could get a very cynical, indeed
14 distorted view of life. It's a general problem with
15 police officers and it's particularized in the area
16 of race and ethnicity because they see a
17 disproportionate number of blacks in the perspective.
18 I certainly see them in the Municipal Court, and if
19 you're not very careful you can develop some very
20 strange notions about the tendencies toward
21 criminality of a particular group.

22 Now generally, I find that very little is
23 done to deal with this phenomenon in the area of race
24 and ethnicity. It can become seriously dangerous
25 resulting in real problems and I'm sure that the

1 mistrust and anger that many minority people feel
2 towards the police is a direct result of this. In
3 this area of sensitizing police officers through
4 training, what kind of programs do you have to
5 address this phenomenon? How do you get the police
6 officer out of the police officer mode?

7 CAPT. ARNOLD: Well, you're right that it
8 is a problem. We have employee assistance programs,
9 we have stress units in our department. Many times
10 it's difficult to change people's attitudes on how
11 they feel about other people, and if they don't
12 respond to training counseling, we're very quick to
13 take action. We have a very strong sexual harassment
14 quarter and our Chief won't tolerate that kind of
15 activity. Numerous officers have been brought up on
16 charges and we're very quick to discipline them.
17 What we're thinking about now is transferring
18 officers from certain parts of the City that are very
19 stressful, that deal with a lot of minorities year
20 after year after year, high crime, drug areas, so we
21 feel that when we identify them, when they exhibit
22 signs of stress, we move them to other parts of the
23 City and request they undergo counseling.

24 MR. KASSOY: The Governor just signed SB-
25 202, which is legislation that purports to impose on

1 law enforcement, both statewide and locally, and the
2 obligation to collect statistics to hate crimes and
3 report that back to the Attorney General's office.
4 Unfortunately, there were no funds that went along
5 with that legislation and therefore, there are no
6 funds available to subsidize local law enforcement to
7 perform those tasks. However, inasmuch as the City
8 of San Francisco's police department is already
9 collecting this data, would you anticipate that you
10 will be able to report this information to the
11 Attorney General's office, the State Department of
12 Justice as in the statute?

13 CAPT. ARNOLD: We do now, and have been
14 doing it.

15 MONSIGNOR BARRY: Thank you very much. We
16 will take a short break.

17 (A short break was taken.)

18 MONSIGNOR BARRY: Now we have Thordie
19 Ashley from the NAACP.

20 THORDIE ASHLEY: I'm Thordie Ashley, and
21 I'm from the NAACP. I have given this document
22 already and I will not attempt to read this entire
23 document as it is too lengthy, but just the sequence
24 and our feelings on this.

25 I'm very please that the NAACP was invited

1 to participate today. We have documented with the
2 task force for the past three years, over 19
3 incidents in a very serious manner in Northern
4 California. We began to monitor and track the neo-
5 Nazi and the Klan groups at that time, and we now
6 welcome to the region, one West Coast region in the
7 NAACP which takes nine states and we will be working
8 directly under the direction of Deborah Quinn
9 Carpenter (phonetic.)

10 The NAACP feels that the cause of white
11 supremacy ideology in the attempt to overthrow the
12 U.S. government, the ruling class ideology of white
13 supremacy, the racism that overburdens our society
14 determines the racist cause, that the economic and
15 social turmoil that exists today ripens the climate
16 of the white supremacy ruling class. The effect that
17 the cause has, the hate groups and the Christian
18 identity churches, the neo-Nazi skinheads and street-
19 type gangs defame Jewish buildings, burn crosses,
20 admit gay bashing and attack a few blacks are merely
21 diversionary tactics. These acts do not reveal the
22 true causes and objectives of a white supremacy
23 ideology on the government.

24 The criminals who commit these acts can
25 and are easily caught. They are simply a smokescreen

1 for the three-piece wearing, wealthy Klan rulers.
2 The sympathizers and financial supporters for the
3 Klan groups are the people that furnish the Klan
4 lawyers and provide other support such as television
5 spots, media coverage, travel expenses, money-
6 laundering operations and provide material to them.

7 These groups condone, in San Francisco
8 County and other counties, attacks on gays. They
9 paint graffiti and they pass out huge volumes of hate
10 literature. This, of course, is the task force
11 theory, that these hate groups have a broader
12 support, a broader base of support for the white
13 supremacy ideology. Now the State of California and
14 our relations are they must have more visible on the
15 input on the status and activity of the California
16 Klan and neo-Nazi hate groups.

17 The state should provide more education,
18 give more information and more instruction. The
19 State Attorney General and the law enforcement
20 agencies must increase the input in the area of
21 training and indoctrination of hate -- concerning
22 hate crimes and groups and their tactics. Now,
23 recently we had six prostitutes murdered in Oakland.
24 We are thinking that the last murder possibly has
25 some Klan or neo-Nazi tactics because of the hanging

1 of the young woman that was found in the park. These
2 people are prostitutes and they do break the law, but
3 when you have these kinds of things like in San
4 Leandro and especially the borderline, we call it the
5 Mason and Dixon line, I think we should be looking
6 into these murders. I thank you for your time.

7 MONSIGNOR BARRY: Any questions?

8 HON. LYTLE: I had a question and it dealt
9 with the Southern Poverty Law Center, which is as you
10 know a nonprofit entity which assists victims of this
11 kind of violence. They seem to -- in reading their
12 newsletter -- share your concern that the phenomenon
13 we're investigating here today is perhaps only being
14 investigated superficially. That with regard to at
15 least some of these incidents, the Order is the one I
16 guess that comes to mind. First we are talking about
17 people who are interested in dismantling our system
18 of government, so it only responds to the needs of a
19 few. Does the NAACP utilize the information and
20 record-keeping resources of the Southern Poverty Law
21 Center?

22 MS. ASHLEY: Yes we do. The Southern Law
23 Center, the Klan Watch, the Center for Democratics,
24 the Jewish Anti-Defamation League, any resources or
25 source of information. As a matter of fact, I

1 personally belong to some and have the task force to
2 join one of these organizations so that we can
3 network with them and know the true cause of what is
4 taking place in our government.

5 MR. LINDSTROM: I have a question. Do you
6 know of anyone in the NAACP who has been contacted by
7 POST or any of the other law enforcement agencies to
8 give input as to how to deal with sensitivities that
9 we want to refrain from -- the law enforcement
10 officers to refrain from?

11 MS. ASHLEY: The San Francisco NAACP
12 chapter has a lot of input into what takes place and
13 a lot of pressure also to what takes place in their
14 law enforcement agency. We have not had to deal
15 directly with anyone in the FBI on the task force,
16 but different agencies will contact us and we do
17 apply a tremendous amount of pressure to law
18 enforcement agencies.

19 MR. LINDSTROM: My question is, has anyone
20 ever used some of your materials or resources that
21 you have input, that you have, in developing the
22 curriculum that is used for the training?

23 MS. ASHLEY: No, they have not except
24 perhaps seven years ago. The national NAACP had some
25 input on a national level as to hate violence and

1 some training, but they have not utilized that for a
2 number of years. We have not been asked on the West
3 Coast for our input on that.

4 DR. HAWKINS-RUSSELL: Mrs. Ashley, do you
5 represent the regional office or the local NAACP?

6 MS. ASHLEY: Fortunately -- the regional
7 officers, we started with the local and it did not
8 work. And then we started at the state level and it
9 did not work, and fortunately now we are recognized
10 by our regional office in San Francisco.

11 MS. YU: Do you have any opinion as to the
12 quality and effect of news coverage of some of the
13 incidents you pointed out in your presentation?

14 MS. ASHLEY: I have found that the news
15 coverage, some people say it sensationalizes it, but
16 I have found that the news coverage has really
17 endeavored to inform the public and also makes the
18 law enforcement people aware of a lot of neo-Nazi
19 incidents or crimes that go on.

20 MS. YU: Do you think there's possible,
21 that it's possible that nobody has talked too much
22 about the press in terms of their role in increasing
23 awareness. Do you think there's some possibility
24 that schools, public agencies, law enforcement and
25 the press could work out some kind of coalition?

1 MS. ASHLEY: I think the press does work
2 out a local coalition. The NAACP has never been
3 failed -- it's never failed me. I think there should
4 be coverage because a lot of the crimes are not
5 reported, especially from some Asian communities.
6 They seem to keep quiet about any crimes. But the
7 schools I believe are very lax and very slow. The
8 hate material is there in the schools. It's there
9 but they are very slow to respond against the
10 counterbalance. The literature that's going on in
11 our schools, our University of California, the media
12 there has allowed the First Amendment and Thomas
13 Metzger to film his Race and Reason at the University
14 of Fullerton, and also the University of California
15 at 15th and Folsom, media training. They used the
16 First Amendment and I'm quite aware of that, but to
17 have it in our universities to film the hate films of
18 Race and Reason is atrocious to me.

19 MONSIGNOR BARRY: Thank you very much.

20 Now we have Phang Lo from the Lao Family
21 Community of Stockton.

22 PHANG LO: My name is Phang Lo and I'm
23 from the Lao Family Community of Stockton.

24 Basically, I am here today to share some
25 of the concerns from the Lao Family Community, the

1 subject of refugees in the past eight years. The Lao
2 Family Community provided social services for the
3 refugee community in the Stockton area, such as
4 English programs, youth programs and from the
5 services program. We also have been working with the
6 refugees in terms of providing social adjustment to
7 the refugee community in Stockton. Refugees have had
8 lots of difficulty and problems of adjusting to their
9 new life in this country. We were involved with the
10 school shooting on January 17, 1989. There has also
11 been a follow-up shooting after, at the Old Park
12 Village. The refugee community has had a real
13 concern, some of the refugees' problems that I have
14 listed is they have a cultural shock problem,
15 neighborhood problem. They cannot get used to the
16 city life because they have been uprooted from their
17 roots.

18 They also have language problems, not an
19 uncommon problem. Some people taking advantage of
20 them, looking down at them, and prejudiced. They
21 cannot defend themselves because of the language
22 problem, and they're new to this country. So that's
23 a lot of problems. Also, the other thing, they don't
24 know the safety procedure. They don't know what to
25 call for help. And that's, you know, they don't make

1 the right decision when they move place to place
2 trying to find a safe place. But there are no safe
3 places for them. That is one of the problems. They
4 also feel that the law enforcement has not really
5 made an effort to protect them, to help them.

6 Same thing with the school district.
7 After the shooting, you know, there has not been any
8 effort to try to help the refugees. The school has
9 not really hired a full-time staff person or working
10 with the refugee community in Stockton. Therefore, I
11 think I'm here today just to share briefly some
12 refugee problems with you and as the Commissioner --
13 there are some things that the state level can do to
14 help this refugee community. I'm not the closest to
15 the refugee community to really bring leadership and
16 to really encourage them to help this society.

17 MONSIGNOR BARRY: Any questions or
18 suggestions?

19 PHANG LO: I think that's what I have.

20 MS. YU: I just have one question. Do you
21 find, in light of the aftermath of the shooting, that
22 the community has come together and is determined to
23 do things to prevent this from happening in the
24 future? Have you found that this tragedy has brought
25 people closer together who might have thought they

1 could get by without each other? Do you think it has
2 encouraged that kind of group unit?

3 PHANG LO: Well, the refugee -- it's hard
4 to say, because they are just moving. We think there
5 is nothing they can do to prevent, so I think they
6 hope that from moving, the other side of the
7 government will do something to help them, to protect
8 them. You know, it's really hard for them to do, and
9 especially because they don't have so much problem
10 with integration, and problem, and problem, and
11 problem, you know. So it's really lack of
12 leadership, not knowing what to do, what to do next.

13 MS. MERCADO: Let me just add that one of
14 the things this Commission recommended was the
15 development of civil rights, noticeable rights,
16 brochures and we made them available to all of the
17 settlement agencies in trying to assist the Attorney
18 General. I know this -- his conference releasing the
19 details of the investigation into the Purdy killings,
20 had talked about some of the recommendations or what
21 we could do about these things in the future. It
22 certainly referred back to the recommendations of
23 this Commission as well as to the Asian-Pacific
24 Islander Committee, and has indicated that there is a
25 need for community and public education awareness,

1 and we have certainly heard that this morning, and
2 interaction between the community at large to make
3 the newcomers feel a part of the community. It has
4 to go both ways.

5 MR. LINDSTROM: Mr. Lo, do you know if
6 your community has access to some of these service
7 providers, you know, in terms of some of the
8 communities -- I've heard some of the refugee
9 communities, some of the providers there the
10 community does not know how to access -- are you
11 experiencing that kind of problem in Stockton?

12 MR. LO: Well, I think this is problem of
13 the refugee community, yes. I think many do not know
14 that service providers, and I think service providers
15 -- we also have bilingual newsletters in a different
16 language published monthly by one of the agencies
17 there, but I think it is some refugees are not
18 knowing the service provided and I think most of the
19 problems themselves for the refugees, need to do
20 something with it to really, you know, encourage them
21 to really work with them in terms of leadership among
22 themselves.

23 MR. LINDSTROM: Are there some visible
24 community leaders that can approach some of these
25 problems, and act as a liaison to go into the

1 community?

2 MR. LO: Yes.

3 HON. LYTLE: Mr. Lo, could you describe
4 for us any problems being experienced by the refugee
5 population in the schools, that is by their children?
6 We read about the murder of the children, but I am
7 sure that there must be on a daily basis, bigger
8 problems experienced, while less sensational, are
9 equally painful in the long run in the refugee
10 population. Do you have any information in that
11 regard?

12 MR. LO: Yes. Like I mentioned the
13 refugee problem, it's a broad problem from language,
14 culture to prejudice and the most problem and most
15 important difficulty for them, because they could not
16 defend themselves with the natural background that
17 they have had, and they're new here. They don't know
18 what to do, or how to do it. They tend to stay quiet
19 and they stay home. They go to school and these
20 could be turned into disasters in one minute. People
21 can go there and shoot at them with nothing to
22 protect themselves with. They don't know how to
23 guide their children and they just live in an outside
24 world. And that has also created some problems.
25 Young kids are more and more becoming gang members,

1 causing problems within the community, you know, and
2 became a bad model for the younger ones.

3 HON. LYTLE: So you appear to be saying
4 among the other things, the family structure is
5 breaking down?

6 MR. LO: Yes.

7 HON. LYTLE: And perhaps the older, the
8 parents are having difficulty disciplining the
9 younger children?

10 MR. LO: Yes.

11 MR. LINDSTROM: Mr. Lo, has anyone
12 contacted you from any of the law enforcement
13 agencies as to giving any input?

14 MR. LO: Yes, the Lao Family Community has
15 been working with the law enforcement agencies,
16 meeting with them and meeting with the community
17 social agencies from the Justice Department, and
18 there's one person from, you know, the community
19 service offices, and public meeting, law enforcement
20 and different agencies from other towns, six months
21 or a year ago. This is also Lao Family Community,
22 some other thing is it's we are always involved with
23 the D.A.'s office that is trying to put together a
24 gang task force committee.

25 MONSIGNOR BARRY: We do have a Sergeant